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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

13° VICTORIÆ, 1850.

VOL. CX.

COMPRISING THE PERIOD FROM

THE EIGHTH DAY OF APRIL,

TO

THE THIRTEENTH DAY OF MAY, 1850.

Third Volume of the Session.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 31 JANUARY, 1850, IN THE THIRTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Monday, April 8, 1850.

MINUTES.] NEW MEMBER SWORN.—For Totness, Lord Seymour.

PUBLIC BILLS. 1° Public Health (Ireland); Parochial Assessment.

2° Stamp Duties.

Reported.—Exchequer Bills (9,200,000*l.*); Titles of Religious Congregations.

AUSTRALIAN COLONIES.

SIR W. MOLESWORTH wished to ask the Under Secretary of State for the Colonies a question relative to an order issued by the Governor of South Australia, directing the publication of certain resolutions with regard to the new constitution of that colony, and which were to be proposed at the next meeting of the Legislative Council. These resolutions were to the following effect:—

> "1. That the Imperial Parliament should confer upon the Government of South Australia complete power over all local concerns; and that in withholding from colonial jurisdiction any subjects which exclusively concern the empire, the Colonial Parliament should carefully define those subjects. 2. That the form of the legislature should as nearly as possible resemble that of the mother country, and consist of a governor and two chambers. 3. That all Bills passing the two chambers, and receiving the assent of the governor, should at once become law. 4. That the Colonial Office should not possess the power of disallowing any law on colonial concerns. 5. That there shall be responsible government. 6. That the governor shall be removed on address from the two houses praying for his removal. 7. That the Colonial Government shall have absolute control over the waste lands of the colony. 8. That a federal union of the Australian colonies would be inexpedient."

As some of these resolutions would lead to a constitution identical in principle with that which he (Sir W. Molesworth) proposed for these colonies, he asked the hon. Gentleman whether he had received a copy of the resolutions, with any despatch from the Governor, explaining why they have been published in an official form, and whether copies of all information on this subject will be placed in the hands of Members before the next discussion of the Australian Colonies Bill?

MR. HAWES said, copies of the resolutions which the hon. Baronet had just quoted had been received by the noble

Lord at the head of the Colonial Department on Saturday last. It was to be remarked, however, that they were yet to be moved in the colonial legislature; and how far they might receive the assent of that legislature and the colonies they of course knew nothing. He had no objection to print the despatch containing them, but it must be borne in mind that they were only the resolutions to be proposed by a private Member.

MR. MOWATT said, all the communications which he had had from the colony convinced him that the resolutions were opposed to the general wishes of the colonists.

Subject dropped.

SUPPLY—MEDICAL OFFICERS IN THE NAVY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

CAPTAIN BOLDERO—after presenting petitions from the medical faculties of the Universities of Glasgow and Edinburgh; King's College, London; Guy's Hospital; Leeds; Charing-cross Hospital; Greenwich, Chichester, Stockport, Reading, Gravesend, Canterbury, Sheerness, Brighton, and numerous other places — said, that the prayer, in spirit and substance, of all these petitions was the same — namely, that the assistant surgeons in the Navy should be removed from the cockpit, and mess with the officers in the gun-room; and that, in respect of rank they should be placed on an equality with assistant surgeons in the Army. His object in bringing this matter forward was to have a fair, full, and impartial consideration of the question; and he would endeavour to lay before the House such facts connected with it as would lead them to a just conclusion, leaving it to the House to decide whether this state of things should be continued any longer. The House would see from the petitions which he held in his hand that they came from all quarters of the kingdom; he believed from every university or college entrusted with the education of youth for the medical profession. Petitions had also been presented from the large public hospitals of London. Every one would ask how it was that the medical practitioners in all parts of the empire bestirred themselves in favour of the assistant surgeons in the Navy. It was on account of the unwise and systematic neglect which had been practised towards them, by which the medical profession had been degraded, the naval surgeons insulted, and the naval service at large treated with injury and injustice. It was not necessary to enter into any arguments to prove what he had advanced. He found that as far back as 1805 an Order in Council was made that the naval assistant surgeons should be assimilated in every respect to the assistant surgeons in the Army. Till 1838, however, no steps were taken towards ameliorating their condition. In 1838-9 the reigning Monarch appointed a Commission to inquire into the Navy and Army expenditure. They made their report; and the Commissioners, who were some of the most eminent and distinguished men of the empire, recommended that the medical officers of the Navy should be assimilated, in respect of rank, pay, and retirement, with the Army, which recommendation was ordered by the Queen in Council to be carried out. What he wanted to know was, why that Order had not been obeyed, and why that recommendation had not been carried out. Had anything occurred between that time and the present which militated against it? Nothing whatever. The Committee which was appointed in 1847 to inquire into the expenditure of the Army and Navy made a report, in which they stated that the director general of the Navy had presented a memorial from the medical inspectors of naval hospitals and fleets, alleging that every medical rank in the Navy was placed one grade below that of the Army, and that the pay and retirement were proportionably inferior. This report also showed how injuriously this circumstance operated on the character of the naval medical service, and increased the difficulty of inducing men of ability to enter it. So sensible were the Admiralty of this that they wrote down to the University of Edinburgh, and, what was very extraordinary in public men, placed a share of the patronage of the Admiralty at their disposal. Well, the first year after this, not one appointment was applied for, and only one application was made in the second year; finally, the College passed a resolution not to avail itself of the Admiralty privilege so long as the assistant surgeons in the Navy remained in a false position on board ship. There might be candidates for these situations now, but they were not of the best description, for the *élite* of the colleges and universities would not enter the naval service. In all other professions there were plenty of candidates. There were 700 or 800 young men now waiting to enter the Army, and it was the same with every other profession in life. The exception in this particular instance was traceable to the treatment experienced by the profession, and to nothing else. In any future war the new instruments of destruction would cause such indescribable havoc in a moment, that more surgeons would be required, and it must be remembered that pressgangs could not be sent to colleges and universities to make heroes of men whether they would or not. If the House would look across the water they would find that Brother Jonathan took care to have better qualified persons. He would take the case of two young men from the University of Glasgow, moving in an equally respectable class in life, and qualified to practise medicine and surgery in any part of the empire. He would suppose one fortunate enough to get a medical commission in the Army, and other so unfortunate as to get one in the Navy. The Army assistant surgeon was received kindly by his commanding officer, introduced to his brother officers—two-thirds of whom were older than himself—installed a member of the mess, and admitted to all the privileges of social and friendly intercourse with the officers of the regiment. His room in the barracks was his castle, and he could retire to it for study whenever he pleased, by which means he was enabled to extend his professional knowledge to the great advantage of the service. In the Navy, however, immediately after an assistant surgeon reported himself to the captain, he was turned into the cockpit; and who were to be his companions in that place? Some of them might be boys of thirteen years, for that was the age at which they admitted naval cadets. He had to sleep in a hammock or cot in that place, and had to dress and perform all his ablutions before these boys, over whom he had no control. The result of being placed with such a body was to prevent his pursuing his professional studies, or to have due time for reflection. The more zealous an assistant surgeon might be in the performance of his duties, the more strongly must he feel the degradation of the situation in which he was placed. It should be recollected, that a combination of art and science was necessary in the medical profession, and by a combination of both many hundreds might be recovered; but if there was a deficiency of either, the most disastrous consequences might ensue; and such was likely to be the case, if they allowed an inferior class of medical officers to enter the Navy. But what was the cockpit? It was a place in the hold of a ship where the sun never penetrated, where the only light was afforded artificially by means of lamps or candles, where an impure atmosphere constantly prevailed. What antagonism was there not between a cockpit and the idea of study, when the study was to be carried on in the midst of middies fond of larking and full of fun! The qualities associated with that disposition were to be admired; but a man who had spent his time at a university in quiet study was not in his proper place where such was the ruling spirit. He was subject to interruption and noise; he had no facilities for referring to works. His spirit was broken; his self-respect was destroyed, and, with it, his self-confidence, one of the first requisites to great undertakings. Under such circumstances, these men often became careless, and resorted to ardent spirits, and when the ship arrived at port left the service. These might be called petty grievances when taken singly, but became of the most serious consequence when taken in the aggregate. With regard to their pay he had no fault to find, and his Motion did not involve any additional expense to the Government, for if it had done so, he should have hesitated before he brought it forward. As for the rank or position of assistant surgeons on board ship, it was a perfect mockery. By the regulations of the service they were told that they should have the rank of a lieutenant in the Army, or of a first lieutenant of the marines; but, in fact, this was not regarded. The instant a first lieutenant in the Army joined his regiment he assumed his proper rank, and was placed above all the cornets or ensigns, and had instantly assigned to him all the advantages of his rank; but this was not so with an assistant surgeon in the Navy. An assistant surgeon in the Navy was placed in the same rank as a first lieutenant of marines; but on being appointed and going on board a ship of war, the former had to go to the cockpit, while the other went to the gun or ward-room. In addition to this, if an Army assistant surgeon went on board of a man-of-war with troops, he was admitted, not as a matter of favour but of right, to the ward-room, from which the assistant surgeon of the Navy was excluded. Then, what was the course taken with the second lieutenants of marines, who were one rank below the assistant surgeons in the Navy? Some of these lieutenants might be youths of sixteen, who had just passed an examination—for something of the kind was now required—but one infinitely inferior to that required to be undergone by the candidate for an assistant surgeoncy: they would also go into the ward-room. Then, again, the gunner, the boatswain, and the carpenter, who were inferior officers, receiving scarcely half the pay of the assistant surgeon, each had their separate cabin. He admitted there might be some reason for these classes to have cabins, but it was an anomaly to exclude their superior officer from such a privilege. He might be told that there was no room for these assistant surgeons; but he disputed the correctness of the assertion. He found, within the last few years, the change which he now proposed had been extended to two additional classes of officers. Formerly, the schoolmaster messed in the cockpit with the midshipmen; but it was found that that functionary was not treated in a proper manner by the youths under his charge, and he often lost his own self-respect. The consequence was, the Admiralty determined to appoint a naval instructor in each ship, giving him a higher pay, and placing him in the ward-room. The result was, they got a better class of men to attend to the social and moral education of these youths. It had been the same with the engineers engaged in the steam navy. At first, the Admiralty placed that class of officers in an inferior position, but eventually they were forced to change their rank and increase their accommodation. He believed many of the chief officers of engineers ranked as commanders, and those immediately under that class were entitled to places in the ward-room with the rank of lieutenants. Now, if it were necessary for a man dealing with the machinery of a steam-vessel to have superior comforts and a superior rank, how much more necessary was it for them to deal liberally with men who had the care of so delicate a machine as the human frame. Under the existing system, who could wonder if there was an inferior class of men in the service, if they were not treated with that respect which their station entitled them to? A friend of his recently told him an anecdote which would serve to show what respect was entertained for the opinion of a naval surgeon. A captain commanding a British man-of-war received a wound in his leg after a sharp contest, and his ship surgeon advised him to have his leg amputated, declaring that he could not live a day without it was removed. The captain, however, refused to take the advice, and having the wound bandaged up, he made for the nearest port, where his leg was dressed, and so far from amputation being necessary, he soon recovered, and was now walking upon his two legs. They should also remember that seamen were more full of prejudices than any other class of men; and if they thought they were slighted and proper care was not taken of them by the medical attendants, they fretted, and became reduced to a sad condition. There were other points which he could bring before the House in support of his Motion; but, without detaining it further, he thought he had stated sufficient to show the necessity of a change in the system. He did not make this Motion in behalf of the assistant surgeons, for he was not acquainted with a single one, nor had he had any communication with that body. It was from a pure, honest, and conscientious belief that there was an injury done to the naval service generally that he made this Motion, and he hoped the House would have no difficulty in agreeing to it.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

> "It is the opinion of this House, that the accommodation provided for the assistant surgeons on board Her Majesty's ships of war, is inadequate and insufficient for securing the full benefit of their professional service,"

instead thereof.

ADMIRAL DUNDAS said, that there were two points in the speech of the hon. and gallant Member which he felt called upon to reply to. The hon. and gallant Member said that there were no candidates for the situation of assistant naval surgeons. Now, at the commencement of last year there were 178 applicants on the list who had passed, and there were now on it 263 names. Of these 23 had been placed on half-pay, and 39 were waiting for appointments. During the present year they had only been able to take eleven names from the list for appointments. He believed there were more candidates for the office than there had been for many previous years. He did not believe, also, that the hon. and gallant Gentleman was right in speaking in terms of disparagement of the assistant surgeons in the Navy; he (Admiral Dundas) was of opinion that they were fully equal in efficiency to the assistant surgeons in the Army. With regard to their accommodation, the Admiralty some years ago issued an order directing that on board every ship in the Royal Navy a cabin should be prepared twice the size of any other in the vessel, for the accommodation of the assistant surgeons, mates, and midshipmen. Surely in such an apartment they might pursue their studies without any trouble. If this concession was made, it must also be conceded to the mates, who had served six years as midshipmen, and often for a longer period. If they looked to the dimensions of the ward-rooms, he would ask what accommodation could be afforded them? In a man-of-war the dimensions were generally 26 feet by 20 feet, and in this cabin alone 22 officers had to find accommodation. If they added to this number four mates and three assistant surgeons, they would run the number up to nearly 30. He was quite sure that the adoption of this proposition would be against the feeling of the service. He did not believe, also, that the officers in the Navy entertained feelings of prejudice against the medical officers in the service; and for his own part he believed the best surgeons then in the Navy were those who had been brought up in the cockpit. He should feel it his duty to oppose the Motion.

Mr. HUME felt obliged to the hon. and gallant Gentleman who brought this subject forward. The question was, whether the Navy, as a branch of the public service, was not entitled to have as able medical men as the Army. It was notorious at present that no man would go into the Navy as an assistant surgeon who could find employment in that capacity in the Army. It appeared to him that the system of accommodation on board ships for the assistant surgeons was a gross injustice to the service generally. The gallant Admiral said that there was no room for the accommodation of this class of officers in the ward-room; but the Admiralty gave the same answer seven or eight years ago; but since then three additional officers have been placed in the ward-room. The gallant Admiral also stated, that there was a very numerous class of candidates for the office of assistant surgeon in the Navy; but Sir W. Burnett, the head of the medical department in the Navy, said, in his evidence in 1848, that he hardly ever saw a candidate for such an appointment whom he should wish to see attached to the naval medical service. He was happy to find that Sir W. Burnett, since he had been at the head of his department, had greatly raised the character of the medical men in the Navy, and had so rendered it that these examinations should be of improved and extended character. It had been said, that there were few or no complaints made against the present system by the assistant surgeons themselves; but it was not very encouraging to come forward and make complaints, when they found even admirals snubbed by civilians at head-quarters. He knew, however, that he could procure the signatures of three-fourths of the assistant surgeons in the Navy, expressing their dissatisfaction at the present state of things as regarded themselves. He admitted that this was a matter of detail, and which, if possible, should be left to be settled by the Board of Admiralty; but as that body would not do anything in the matter, he certainly should support any Motion which was calculated to carry this object into effect. He trusted the House would express its opinion in such a manner as to show that it had the same sympathy for the medical men in the Navy as for the other officers of that branch of the service.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 40; Noes 48: Majority 8.

On the Question that the House agree to the resolution,

Admiral BERKELEY said, he was sorry he had not risen to address the House at an earlier stage of the discussion. No man in the House of Commons entertained a greater feeling of respect for the assistant surgeons of the Navy, nor could any one in that House wish to see them placed in a higher position than himself; but he not only believed that it was not only for their good that they should not be placed in the ward-room, but also that it would be a great blow to the efficiency of the service if they at once sent the assistant surgeons to mess in the ward-room. With respect to a separate cabin, which had been alluded to, he would ask whether it was likely that an assistant surgeon would like to mess in his own cabin alone? The hon. and gallant Member said this class of medical officers were in a worse position than the officers of the Royal Marines. He would venture to say that many a young man who entered the service in the Royal Marines, and who had not the assistance of friends to provide him with an outfit, had to borrow money for that purpose, who, after his introduction into the service, and after taking his place in the ward-room of a man of war, found the expenses of the mess to which he belonged so heavy that of that charge, together with the debt he had incurred, he was unable to clear himself, and was at length obliged to leave the service. An assistant surgeon in the Navy, who had received no pecuniary assistance from his friends, would be placed in the same position in which a young marine officer so often found himself if he was made a member of the ward-room, and would thus incur debts which he would not be able to liquidate. As it was at present he need not place himself in such a situation of difficulty. It might be said that the midshipmen were skylarking boys, or it might be said they were school boys; but then it should be recollected that for the most part they had received their education in the best private seminaries, and in the public schools, such as Rugby, Eton, and Harrow. He should like to know how many assistant surgeons received a superior education to the class which he had described. But if they gave way on this point, what would be the result? There had always been a difficulty in transferring assistant surgeons from a line-of-battle ship to a ten-gun brig, on account of the superior accommodation they enjoyed in the former; but that difficulty would be greatly enhanced if the service should require one who had messed in the ward-room of a line-of-battle ship to descend to a ten-gun brig, where there would be no ward-room for him. This attempt to place the assistant surgeons over the heads of their superiors in rank in the Navy, and their equals as gentlemen in every way, was one of the greatest blows that could be inflicted upon the naval service of this country. He wished to know why the hon. and gallant Member for Chippenham did not, when he was connected with the Government, go to the Admiralty and endeavour to induce it to adopt his arrangement? If the hon. and gallant Gentleman had brought forward the present Motion at that period, he (Admiral Berkeley) believed the Admiralty of that day would have opposed it on principle, as strongly as the present Board of Admiralty. Allusion had been made to the circumstance that within a short time separate cabins had been given to the chief engineers on board vessels, but this could only happen on board of steam-vessels as they were not wanted on board of men-of-war, or ten-gun brigs. The hon. and gallant Gentleman had asked why a cabin was given to the chief engineer? The answer was, that when the weather was bad, and lives might be in danger, the chief engineer was obliged to be up at all hours of the night, and he could not be put where the assistant surgeon was, inasmuch as that part of the ship was occupied during the day. The hon. and gallant Officer had also asked why the junior engineers had a cabin. It was because they messed there. As they did not mess with the midshipmen, and could not be asked to associate with the ship's company, the junior engineers had cabins. There was no ward-room except in ships of the line; in small vessels commanded by lieutenants, the assistant surgeons could have no other mess-place except with the mates and midshipmen. The House should bear in mind that every foot that was taken off the deck of a frigate was a foot taken also from the comfort of the seamen, and that every foot taken away from a line-of-battle ship encumbered the management of the guns when the ship was to be cleared for action. Upon these grounds he refused to put the assistant surgeons above their superiors in the Navy, and he denied that the feelings of officers of the Navy were in favour of the proposal.

Captain BOLDERO, in answer to the question put to him, by the hon. and gallant Officer who had just resumed his seat, why he had not, when a Member of the Administration, brought forward such a proposal, said, that the hon. and gallant Gentleman had surely been long enough in office to know that it was not customary for a person attached to one department to interfere with another. At the same time, he had always made every effort in his power to accomplish the object of his Motion. The House had confirmed that Motion, and he now left it in their hands.

Sir F. T. BARING regretted that the House had expressed its opinion upon the proposition submitted to it by the hon. and gallant Gentleman in the way it had done, and that he (Sir F. Baring) had not had the opportunity of speaking upon it. As, however, the majority had so declared its opinion, he was not prepared again to divide the House upon the subject. This question, after all, depended upon the practicability of carrying out the views affirmed by the House. From the statements made by naval officers themselves, it appeared there were practical difficulties in the way, which he was afraid would prove an insurmountable barrier to the attainment of the object in view. There was no disinclination whatever on the part of the Admiralty to make any such change as was recommended. That board had no object whatever in treating assistant surgeons in any other way but in a kind manner. But the great difficulty in the case was in reference to accommodation. In 1840 there was a commission appointed to inquire into the matter, before whom many arguments were adduced in relation to the accommodation to be afforded to assistant surgeons. That commission considered and inquired how far they might be enabled to meet the difficulty, and they reported, that upon the fullest consideration of the subject they found that there were practical difficulties in the way of making any improved arrangements in respect to those officers; that they had ascertained that the accommodation afforded them of late years was so improved as to render any movement for a change unnecessary; and, therefore, they were not prepared to make any recommendation. As he had said before, it was not his intention to take the opinion of the House again upon the subject; but he thought it unfortunate that they should be holding out expectations which he was afraid the Admiralty could never realise. The vote just carried in the House of Commons could have no practical effect. There was not the slightest disinclination on the part of the Board of Admiralty to give the fullest accommodation to this as well as every other class of officers in the Navy; but he was afraid it would be found impossible to accede to the recommendation of the hon. and gallant Member.

Mr. **HUME** said, the report of the commission of 1840 recommended various alterations and improvements, which, if carried, would have conferred the greatest improvements in the way of increased accommodation. But though it certainly stated that the evidence went to show there was a practical difficulty in finding room for an additional cabin, yet it should be recollected that since that period they had found room for three additional cabins. If any hon. Gentleman would read over that evidence, he must come to the conclusion that if "there's a will there's a way." There was a want of will on the part of the naval officers to afford this accommodation. Their habits of education made certain impressions upon them, which induced a certain portion of them, at all events, to oppose such an arrangement as was now called for.

Question, "That the proposed words be added," put, and agreed to.

Main Question, as amended, put, and agreed to.

SUPPLY—REPRISALS—GREECE.

On the Question being again put "That Mr. Speaker do now leave the chair,"

Mr. **C. ANSTEY**, pursuant to notice, rose to call the attention of the House to the illegality of reprisals when made by officers in Her Majesty's Navy without the authority of an Order in Council. He should begin by referring to the blue book which had been printed, containing the correspondence relating to certain claims of British subjects upon the Greek Government, and which had recently led to unpleasant results. He did not approach the subject in a spirit hostile either to the position taken up by the claimants, or to the policy which had been assumed by the Government on their behalf. On the contrary, he was satisfied that it would have been a national dishonour if the Government had remained inactive, and had not taken up the claims of those parties, and done their best to obtain redress. What he complained of was the informality of the procedure. Under the date of the 30th of November, 1849, he observed a letter he might call a duplicate, for the two were nearly in the same terms, from the noble Lord the Foreign Secretary to Admiral Sir William Parker, and to Mr. Wyse, in which the noble Lord stated that he had been commanded by the Queen to cause the requisite instructions to be given to Sir William Parker to put himself in communication with Mr. Wyse on the subject of these claims; and if the proper satisfaction were not given, then, after concert with Mr. Wyse—let the House observe this—Admiral Parker was to have recourse to such measures as he might think best calculated to obtain satisfaction. It appeared by this letter, which was the only document, as the noble Lord himself had informed the House the other night, which contained any instructions on the subject, that Her Majesty had been advised to depart with her exclusive prerogative in favour of Admiral Parker—that awful and tremendous prerogative of war or peace—which, according to the constitution of the country, could only be exercised by Her Majesty herself in Privy Council. It might be objected to him that this was mere form; that Her Majesty's commands, whether signified through the Privy Council, or through the Secretary of State, were equally binding upon those to whom they were addressed. But it was not a question of form—it was of far greater consequence; for upon this question, whether the constitutional practice of former days should be adhered to, or departed from, depended the still graver question whether it should be left to a single man, although a Secretary of State, to plunge this country, by his own act, into war and collision with the other Powers of Europe. Now, before the consent of the Privy Council could be had, that Council must be assembled, and then it would rest with the colleagues of the noble Lord, and with those who, although not his colleagues, were members of the Privy Council, to say whether all practical means had been exhausted for a satisfactory adjustment of the dispute, whether all the well-understood and customary forms of international intercourse had been observed, and whether the instructions to the British admiral had been or not improvident. Some persons were of opinion that a new tribunal of national arbitration should be formed for the adjustment of disputes between this country and others. He gave no opinion on that; but he contended that the constitution of England had already provided tribunals for the settlement of differences such as this, which had gone far to place us in a state of war with Greece, and with the two Powers associated with us in the protectorate of Greece, namely, Russia and France. The noble Lord had admitted this was a case of reprisal, not of blockade; but the case of reprisal was closely allied to the case of war. Nay, reprisal was war, the only difference being, that war was perfect hostility, while reprisals might be carried on only so far as to create a state of imperfect hostility. All writers and authorities agreed that there was no other difference between war and reprisals; and by our law the same power only to which was committed the office of declaring war, was vested with the office of making reprisals. The same formalities, too, that were necessary to the making of war, were necessary to the making of reprisals. Whether the ship was a Queen's ship, or one sailing under letters of marque, was perfectly immaterial; in either case all the formalities must be observed. The same necessity also that required proclamation of war, required proclamation of reprisals. All the same conditions, in fine, were necessary in each case, and the object was to ensure that a public and clear notice should be given to the foreign State. It was only of late years that we had begun to depart from these wise and wholesome ordinances; but every case of departure was a crime. He must, however, absolve the noble Lord from the imputation of being the first or only Secretary of State who had done so. The noble Lord had certainly substituted for the constitutional authority of the Privy Council the unauthorised interposition of the Secretary of State; but he (Mr. Anstey) was sorry to say that the Earl of Aberdeen had been guilty of the same deviation in the affair of the river Parana. He (Mr. Anstey) therefore drew no distinction between the noble Lord and his predecessor in office. It would be said that these were cases in which the Secretary of State's warrant was a sufficient authority. But, unless war was actually raging, when extraordinary reprisals might be authorised and revoked by the mere warrant of the Secretary of State, no Secretary of State, no Minister of the Crown, not even the Lord High Admiral himself, could so act without the authority of the Privy Council. They could not otherwise authorise an act of violence, whether of war or reprisals. The one authority was Her Majesty the Queen in Council; and that they pretended to set aside, and, with it, one of the wise checks provided by the constitution against hasty measures of hostility, and for preventing Ministers from suddenly and unadvisedly involving the country in war. The positions he had laid down did not depend upon speculative opinions given by writers on international law, nor were they merely to be found only in the obsolete works of the lawyers and jurists of ancient days. Whenever there had come any question of this kind before our courts in ancient or in modern times, the same anxiety might be traced on the part of the Judges to see that all the forms had been observed. But then the penalty was not borne by the Minister, who was not warranted in giving the order, but by the unfortunate instrument which had carried that order into execution; and if Admiral Parker returned to this country, the parties whose goods have been seized under the instructions of the noble Lord, which were not warranted by an Order in Council, or proclamation under the Great Seal, would have a right of action against that unfortunate and gallant officer, and might recover heavy damages. These being the constitutional rules, and there having been this departure from them, he asked the noble Lord or any hon. Member who meant to defend the course taken by the noble Lord, to say by what length of practice, or by what extent of error, was this departure to be excused? He looked in vain for an instance of the same kind further back than the last ten or twelve years, and he found that it was in proportion as the old skill of the diplomatist was dying away, and diplomacy becoming obsolete, these errors became more frequent. He inferred, therefore, that they occurred not from design but from ignorance. He did not accuse the noble Lord of ignorance of diplomacy, but he observed that ignorance of it existed above him and around him and beneath him; and he thought that the place of Secretary of State offered strong temptation to the holder of it to increase the power and influence belonging to his office, and then whatever one Secretary of State had done, another was always ready to imitate if it tended to confirm his strength and power. But when he referred to history he found how careful our forefathers had been to observe the forms and practices which had come down to them from past days, and how their examples in that particular were subsequently confirmed by the decisions of Lord Stowell, Sir N. Tindal, and other great men of our times, who declared them to be of obligation for ourselves. In the time of Charles II.—a period not fertile in constitutional precedents, but honourably distinguished from our own age in this respect, that no Secretary of State then arrogated to himself the power belonging to the Sovereign only, of declaring war—these forms were strictly observed. The same course continued to be taken down to the renewal of the revolutionary war in 1802. In no case, whatever the provocation or emergency, had reprisals abroad or embargoes at home been attempted, except by warrant of the Privy Council, or proclamation under the Great Seal. And this brought us down to the peace of 1815, at which what he might call the modern period began; but even in the course of the modern period he found the influence of tradition still so strong, that so lately as 1840, when the noble Lord was Foreign Secretary, and when a case of reprisals was about to be set up against the Emperor of China, the noble Lord, for the purpose of sanctioning the hostile equipment that had been ordered against that Power, adopted the formality of an Order in Council. Yet, nothing beyond the mere formality having been adopted, and the substance being wanting, it proved insufficient afterwards to protect in courts of justice those who had obeyed it. The hon. and learned Gentleman here cited cases in support of his argument, one being a case in the time of Charles II., of a demand made against the Dutch for the confiscation of two English vessels at Batavia, and in which there had been not only an Order in Council, but a proclamation. The noble Lord would probably say, in those cases of claim against the Greek Government, that there had been application after application by the Crown for redress, but that no redress followed. But it was precisely because there had been this forbearance during the long period for which these claims had been allowed to sleep, it was this long impunity granted by our Government, which had caused the Greek Government to suppose that in our late demands we were not sincere, to assume that the British Government were equally insincere in the last as in the former applications, and that if they resisted, as they had done before, their resistance would be again followed by the like impunity. One of these claims was as old as the 20th November, 1839, and had been allowed to sleep till December, 1849, a period of ten years. Two other claims, dated in 1846, and no answer had yet been received regarding one in 1847. There were periods of two, three, and four years, between the last communication on our side and the last on the side of the Greeks, and nothing had been done. Why, was it to be supposed that the Greek Government would be more intimidated by our peremptory tone in the year 1850, than at any time since 1839, during which time they had been doomed to bear the official ire, not only of the noble Lord, but the Earl of Aberdeen? It was not fair to the Greek Government to depart, in this instance, from the old forms of diplomacy, which even by that piratical and semi-barbarous State would have been perfectly understood; and he believed that if they had been observed, there would have been no occasion to resort now to the costly and dangerous method of reprisals. Before concluding, he begged to dissociate himself from all the unfair observations which had been made elsewhere upon these claims. He held that there never had been claims more founded in justice. He was not attacking the present or any other Government in particular, nor endeavouring under colour of the irregularity of procedure to impeach the justice and validity of the claims themselves. But he trusted that some assurance would be exacted by the House, that our future procedure in such cases would be conformable to the constitution and the law, and not to these recent and unworthy precedents.

Viscount PALMERSTON: Sir, I am sure nothing could be fairer than the manner in which the hon. and learned Gentleman has brought this legal question before the notice of the House. He has, I am bound to say, entirely separated it from anything of a political character; and he has, in that spirit, stated his opinion upon its legal and constitutional bearings. All I can say is, without pretending to follow the hon. and learned Gentleman into the historical details he has given upon this matter, that I am advised by those by whose legal opinion I consider it my duty to be guided in my official conduct, that no Order in Council is necessary for effecting reprisals, so far as they have been effected in this particular instance—that is, for the detention of vessels as pledges for obtaining redress from the foreign Power upon whom demands for redress have been made. I am quite ready to concede to the hon. and learned Gentleman, that if it were necessary to go a step further, and to condemn or confiscate and sell the vessels, for the purpose of realising the reprisals, an Order in Council would be necessary. I am quite ready to concur with the hon. and learned Gentleman that an Order in Council would be necessary for the purpose of establishing a commission to condemn and sell the vessels; but I stand upon the advice which has been given to me, and I am perfectly convinced in my own mind that the advice is sound, that, for the purpose of seizing and detaining vessels with a view to future proceedings, it is sufficient there should be an order from the responsible officer of the Crown, being the Secretary of State, signifying the Queen's pleasure, as Sovereign, to the Admiralty, in reference to the orders to be communicated to the officers whose duty it may be to carry them into execution. I can assure the hon. and learned Gentleman he is mistaken in supposing that if these measures should, as I trust they may, lead to a satisfactory result, and the vessels should be released without the necessity of confiscation and sale, the parties to whom any of those vessels belong would have any good ground for legal proceedings in the courts of law of this country against any of the officers employed in the execution of these orders. I am advised, and I am convinced of the perfect soundness of the advice, that the officers so executing the orders of the Crown would be borne harmless by showing that they did those acts as naval men in execution of the orders they had received. I believe that was distinctly laid down in the case of Captain Denman. It is perfectly constitutional as well as legal, that an officer is bound by the orders he receives; and it is sufficient for him to show that the acts he has done were ordered to be done beforehand by the Crown, or were sanctioned subsequently by the department from which the orders were received with the sanction of the Crown. I must, therefore, notwithstanding the opinions of the hon. and learned Gentleman, retain those I have acted upon. I have acted upon the opinions of the law officers, upon whose opinion it was my duty as a Minister of the Crown to act; and upon that legal opinion, I am convinced that that which has been done is strictly in accordance with the law and constitution of the realm.

Mr. HUME said, it would be convenient if the noble Lord would inform the House at this period what were the state of the negotiations with reference to our differences with Greece, or whether there was any prospect of their termination. The noble Lord was aware that, under existing circumstances, the trade of the country was materially interfered with; and it was very desirable, on that account, to know what prospect there was of a settlement.

Viscount PALMERSTON: There is nobody in this House who takes a deeper interest in the prosperity of the kingdom of Greece than I do. It fell to my lot to take part in those proceedings which led to the emancipation of the Greek nation, and to Greece being made an independent State; and upon every ground, I can assure the hon. Member, it has been exceedingly painful to me to feel it my duty to be the organ by which any measure could be adopted that would in any way press upon the Greek nation. But it is not against the Greek nation, but the Greek Government, that we have been obliged to take these steps. The last accounts we had from Greece stated that Baron Gros, who is employed by the French Government as the organ of their good offices, was at Athens, and was employed in investigating those matters with regard to which it is his duty to act. No result at that time had taken place; and it is scarcely possible, considering the shortness of the time he had been in Athens, that I should be able to give my hon. Friend any distinct answer to his question.

Subject dropped.

SUPPLY—ORDNANCE ESTIMATES.

The House then went into Committee of Supply; Mr. Bernal in the chair.

Colonel ANSON said, it now became his duty to bring under the consideration of the Committee the estimates for the Ordnance service for the present year. One of the principal difficulties connected with the discussion of these estimates on former occasions had arisen from the vague statements which had been made by hon. Members with reference to the conduct of the department, and which had been so varied and conflicting that it had been difficult for those who had occupied the station he had the honour to fill to meet such general statements in a manner satisfactory to the House. He was happy to say, however, that that difficulty no longer existed. These estimates had been submitted to the consideration of a Select Committee, and the hon. Members who had sat upon that Committee, as well as those who had taken the trouble to dive into the large blue book containing the evidence given before them, would be able so to frame their inquiries as to elicit clear and explicit answers. He rejoiced that this was the case, because he should now feel far less difficulty and embarrassment in answering any charges that might be made, or affording any explanations that might be required. He might be allowed to remind the Committee of the circumstances under which the Select Committee to which he had referred was appointed. In 1848 a reverse had come over the affairs of this country; it had fallen from a state of high prosperity into one of considerable depression; the public expenses had largely increased, while the finances had diminished; and it became apparent that either the expenditure must be reduced, or some extraordinary means must be taken to meet the increased expenditure. The increase which had taken place in the Army, Navy, and Ordnance estimates naturally attracted the attention of those hon. Members who took an interest in the subject. In a matter of this kind, however, no one could be more deeply interested than the Government themselves, for they were the parties most likely to suffer from a careless expenditure of money, and from unnecessary demands upon that House. He thought, therefore, that the Government had with a very wise discretion consented to the appointment of a Committee to inquire into these estimates. A period of twenty years had elapsed since such an inquiry had taken place; and at that time his noble Friend Lord Hardinge had the chief conduct of the business of the department, and carried out many improvements which increased its efficiency, and were, at the same time, advantageous to the public. He conceived that the Government had acted wisely and judiciously in consenting to the appointment of the Committee, because he thought it very desirable that at stated periods some unprejudiced persons should be called to give their opinions upon the conduct of such public departments, and afford the benefit of their advice to the country as well as to the departments. The Government, conscious of their own integrity, knew that such an inquiry would show that they had endeavoured to maintain the best interests of the country, and they were not disappointed by the result of the labours of the Committee, which had been laid before the House in a most able report, containing various recommendations which it had been the duty of the Government to consider, and it would be for the Committee to say whether they had been carried out to as full an extent as was desirable. To those recommendations it would be necessary for him to make frequent allusions in the course of his statement. The whole amount required for the service of the Ordnance department for the year 1850 was 2,434,417*l.*; in 1849 it was 2,632,601*l.*; so that there was a diminution in the present year of 198,184*l.* He would, however, ask the Committee to look at the estimates of preceding years. In 1848 the amount of the estimate was 2,992,143*l.*, so that the difference between that estimate and the one he would submit to the House was no less than 557,726*l.* The increase in the Ordnance estimates commenced in 1845, when the total estimate was 2,287,716*l.*, being an increase on the estimate of 1844 of 287,758*l.* In 1846 there was an increase of 430,218*l.*; in 1847, of 144,547*l.*; and, in 1848, of 127,644*l.*; making the total increase upon those four years 990,167*l*. This certainly appeared a formidable increase, but the House must bear in mind, that if blame was attributable to any one for this large increase, it did not attach to the Government alone. It would be remembered that, from 1835 to 1845, charges were repeatedly made against the Government that they did not sufficiently attend to the security and defence of the country. Those charges were made not only by hon. Members connected with the Army and Navy, who might be supposed to be somewhat prejudiced and biassed in favour of their own professions, but also by independent Members; and, therefore, a portion of any blame must be borne by the House itself. He did not think the House would be so inconsistent, so weak, or so dishonest, as to disclaim all participation in this increased expenditure; but he was certain, that neither the late Government, with whom the increase originated, nor the present Government, by whom it had been continued up to 1848, would shrink from the responsibility of having recommended the House to augument the naval and military forces of the nation, to provide the equipments necessary for those forces, and also to adopt such measures as might be necessary for the protection and security of the seaports and dockyards. It was for these objects that the largely increased expenditure of 990,000*l*. was incurred, and he believed those objects had been in a great measure accomplished. But if the increase of expenditure had been rapid, so had the decrease in the two last years—for in those years a reduction of upwards of 557,000*l*. had been effected; leaving the total increase on the expenditure of 1844 somewhat more than 432,000*l*. It might be said, " Why maintain this increase when the objects for which it was incurred have been accomplished ?" But he would ask the House to look at the circumstances. One of the main objects of the increase was to place the Ordnance military corps in an efficient state. That corps consisted of the Artillery, Engineers, and Sappers and Miners, and between 1846 and the present time there had been an increase of about 5,000 men, including additions of 4,200 men to the Artillery, 910 men to the Sappers and Miners, and a number of officers to the Engineers. The difference between the estimate for the present year, and that for 1845, would be about 146,000*l*.; and this increase of force would, he thought, more than account for the increase of the Estimates. The Committee must also remember, however, that there were other services for which it was considered necessary to provide. The armament of the Navy was incomplete; there were various points on the coast open to assailants which it was necessary to protect; and additions had been made to the Army which rendered it necessary to provide additional barrack accommodation and supplies. He thought it would be admitted that the Ordnance Department was one which it was essential to the interests of the country to maintain in a state of efficiency, whether during peace or war; but the establishment which they possessed previously to 1845 had been quite inadequate to the demands of the service in this country and the colonies, and on that ground it had been considered most desirable to increase it. Objections had been made by the hon. Gentleman the Member for Montrose to the amount of our naval and military force; and this year he had brought Motions forward for their reduction; but the House was of opinion that they were required as proposed by the Government. On this ground it was considered necessary that the force should be rendered efficient, a decision which, of course, involved additional expense. The opinion of Sir H. D. Ross, who was examined before the Committee, as well as the report of the Committee itself, would satisfy the House as to the necessity for the increase. Sir H. D. Ross stated, that the insufficiency of numbers in the artillery, combined with the demands of the service, rendered it impossible to complete the education of the men; and that according to the testimony of the military authorities, artillery had become of increased importance, in consequence of the progress of military science and tactics, and that the British Army possessed a far less number of that highly essential arm of the service in proportion to their number than foreign armies. They had also had very convincing evidence within the last two years, during the war in India, of the advantage and necessity of a powerful artillery; and though he was not one of those who thought that all future contests were to be decided by artillery alone, he did regard artillery as a powerful adjunct to an Army, without which any commander would feel himself comparatively powerless. He hoped it would be a sufficient answer to those who complained of the increase of this force, if it could be shown that that increase had been made for the purpose of rendering thoroughly efficient a force which was acknowledged on all hands to be one which it was most desirable for this country to maintain, and which could not be raised on any sudden emergency. The same observation applied to the corps of Engineers, a body of men with whom superior scientific education needed to be combined with, and confirmed by military discipline and experience. Every Gentleman, he felt sure, would acknowledge that this was a force which it concerned the public advantage very intimately to retain in the most efficient possible condition. Having made these general remarks, he would now proceed to the particular heads of the Estimates. The first recommendation made by the Committee was, that in future the number of men required should be a distinct vote, and therefore in the resolution which he should place in the Chairman's hands the number of men required would be stated. The first vote proposed would accordingly be for the pay, allowances, and contingencies for 14,569 officers, non-commissioned officers, and men of the several Ordnance corps and departments, which it was proposed to maintain for service at home and abroad—712,755*l.* In 1849-50 this estimate was 711,895*l.*, showing an apparent increase this year of 860*l.*, while, last year, the number of men voted was 14,123, showing, in like manner, an apparent increase this year of 446 men; but he had to explain that last year 415 non-commissioned officers and men, Royal Sappers and Miners, employed in surveys, were not included in the number, whereas, this year, although the charge was not a military charge, the men were borne on the strength of the corps. The further addition this year consisted of twenty-two lieutenants, whom it had been deemed essential to add to the establishment. The Committee recommended that no change should be made in the force of the Ordnance military corps without the sanction of the House, and this recommendation would be acted upon in future years. The difference in the amount to be voted this year was accounted for in the pay of the additional lieutenants. There was also an increase this year under the head of "Movement of Troops" of 6,500*l.* as compared with 4,750*l.* last year; but under the head "Recruiting" there was a diminution of 18,154*l.*, as compared with 20,403*l.* last year. The Committee next, in reference to the recommendation of the Commission of 1828, that the medical department of the Ordnance should be united with that of the Army, stated that it had been represented to them that this change would greatly diminish the comforts of the soldiers in the Ordnance service, without effecting any material saving. In the summary of their report, however, the Committee recommended that there should be a reduction effected in this department, and this recommendation had been carried out to the utmost practicable extent. The office of director general of the medical department had been abolished; the new establishment, as reduced in amount of cost from 10,202*l.* to 9,829*l.*, had been submitted to the Treasury, had received their sanction, and was now on as low a scale as the wants of the service would permit. The other part of the question, the amalgamation of the department altogether with that of the Army, had been most maturely considered; but, certainly, it appeared that great objections were felt to this change. Whether these objections arose from old habits or prejudices on the part of men long connected with the service, or from a well-founded idea that the comforts of the men in the Ordnance service would not be so well attended to, he could not then decide. The question was under the serious consideration of his right hon. Friend the Secretary at War. When he had formed his opinion upon it, and came to a decision, he was satisfied that in carrying out that decision, his right hon. Friend would meet with the cordial co-operation of his noble Friend (the Marquess of Anglesey) at the head of the Ordnance department to the utmost extent that should be at once calculated for the public advantage and for the well-being and comfort of the force. The Committee recommended that the Royal Sappers and Miners should be more extensively employed in the survey of our colonies. Before this recommendation could be adopted it must be ascertained that the service suggested was actually necessary, and it must further be borne in mind that, should this corps be so employed in our colonies, it would still be a question whether the country was to bear the expense, or the colonies. The recommendation of the Committee, that the system practised in regard to the Army should be applied to the Ordnance military corps—namely, that any change in the strength of this corps should be officially communicated to the Master General by the Secretary of State, and that the amount of the force should be separately brought under the notice of the House of Commons in a distinct vote submitted for its approval, he had already referred to as having been adopted. The next vote was, for Commissariat and barrack supplies for Her Majesty's land forces, and great coats and clothing for the Army, &c., 273,837*l.*, the estimate last year having been 301,650*l.*, so that there was a diminution this year of 24,813*l.* This diminution was chiefly in the article of forage, which exhibited a decrease of more than 15,000*l.* as compared with the estimate of last year; and there were other reductions under the heads of coals, candles, palliasse straw, &c. Under the head of "Purchase and repair of barrack and hospital furniture and bedding at home and abroad," there was a decreased vote of 71,638*l.*; therefore, as compared with 78,000*l.* last year, exhibiting a diminution of 6,462*l.* on this vote, arising chiefly from less being required for the class of old pensioners. In reference to the troops stationed in Ireland, the Committee objected to the greater expense of the commissariat system lately introduced, and recommended a return to the system of provisioning those troops previously in operation. The recommendation, however, had not been acted upon, and the commissariat department established in Ireland was still retained there. It was required for the relief of the destitute poor of that country; and so long as it was retained, there would not probably be much economy in reverting to the former system of provisioning the troops and supplying the cavalry with forage. The answer, however, given by the department to the Treasury showed that large reductions had been made in the establishment, lessening the expense one half. The question would come under the consideration of the Commission now sitting on the Army and Navy administration, and the Government upon their report would be better able to decide whether it should be retained or not for their service. The next vote was salaries and contingencies of the Ordnance Offices at the Tower and Pall-mall, 86,961*l.*, as compared with 85,881*l.* last year, exhibiting an increase of 1,080*l.* He regretted that this increase should have been found necessary, and the more so that these establishments had been already made peculiarly the subject of remark and of complaint as to their cost; but he could assure the Committee that the increase had not been made without the most mature and anxious consideration, and with the closet reference to the public interest. He would beg of the Committee to recollect that in 1848 the charge under this head was 95,564*l.*, so that the charge for 1850 exhibited, as compared with that year, a decrease of 8,603*l.* The increase had arisen from the increase in the salaries of persons in the surveyor-general's branch, in the store branch, and in the inspector-general of fortifications' branch. But, on the other hand, it was to be recollected that the number of persons employed in this department had been, since 1828, reduced from 303 to 218, and the charge for the same period from 101,971*l.* to 96,961*l.*; so that he thought the Government should have credit for having gradually brought the cost of this department to the lowest point compatible with the actual acquirements of the public service. There was, under the head of postage, an additional charge this year of 500*l.* making the total postage charge 8,000*l.*, a charge itself altogether recent, and which accounted for a large item of the amount. As regarded the Ordnance itself, the Committee reported their opinion that the constitution of the office, the division of the subordinate departments, and the mode of transacting business, were capable of considerable improvements, and they ought to be revised by the Government. They had, however, abstained from proposing any scheme for the future constitution of the Ordnance, because they believe that any improvement in the practical working of the office could only be effected by the Executive Government, and by the co-operation of persons familiar with the details of business now transacted by the Ordnance. The recommendation of the Committee with reference to the office of store account examiner had been carried into effect as nearly as possible. When he, in 1835-6, filled the office of storekeeper to the Ordnance, he had strongly advocated this arrangement, and it would have been then carried into effect but for the objections which stood in the way. Now, however, it had been decided to place the office of store account examiner under the surveyor-general, and other arrangements had been adopted in this particular department which would materially facilitate the transaction of business there, and ultimately, he hoped, give the means of reduction of expenditure. The recommendation of the Committee for the amalgamation of the offices of the Surveyor General and of the Clerk of the Ordnance was being carried out; at least, the thing was in a transition state; and he was happy to find that even the persons belonging to the departments themselves, who had hitherto objected to the arrangement, were now ready to acknowledge that the alteration would be productive of much good to the public service in the facilitation of business. There was another most important recommendation of the Committee with reference to the manner of keeping the store accounts, which the Government had taken into most careful consideration. The evidence of Mr. Anderson showed that hitherto these accounts had been kept in a most imperfect and unsatisfactory manner; but a method had been pointed out by that gentleman, by which the difficulties in the way of improving the system might be readily overcome. Immediately after the report of the Committee was published, the Ordnance Office applied to the Government to appoint a Committee for the purpose of inquiring into the best mode of keeping these accounts, and a Committee was appointed, which had applied to the subject all the time they had been able to spare from another most important inquiry which had been intrusted to them. They had as yet produced no report, and had admitted all the difficulties of the task they had undertaken. They found that notwithstanding the supposition that a system of double entry could be established in our store accounts, it was totally impossible; that the magnitude of the accounts and the enormous number of articles to be accounted for by the storekeepers precluded the possibility of it. They had, however, applied themselves as closely as they possibly could to the question, and he hoped in a very short time we might have a report with regard to the Navy; he did not believe they had been able yet to look into the manner of keeping the store accounts of the Ordnance. If he should have the honour of submitting the estimates in another year, he supposed he should be able to state some of the results of their labours. The next recommendation of the Select Committee was with respect to the warrant of 1825. The Ordnance Office was not constituted like any other office under the Government; the power of the Master General was supreme; he could make the appointments as he pleased, so long as he confined himself within the amount granted for the establishment; and the warrant was never exceeded. It was issued when Lord Hardinge was Clerk of the Ordnance, and he made the arrangements upon which it was founded. It was considered then that the lowest scale was taken which could be safely adopted, having regard to the existing wants of the service. As the duties increased, and additional services were thrown upon the department, it might have been thought that it would probably be necessary to increase the establishment, and therefore to alter the warrant, but this had not been the case; the establishment had been kept within that compass, and, keeping within the sum thus settled, it was not necessary for the Master General to apply to any other authority in making appointments in the office. Of course it was a question whether that power was too extensive to place in the hands of any individual; but, for himself (Colonel Anson), in a case where a high officer like the Master General was placed at the head of a great department, and enjoyed the confidence of the Government, he should not have quarrelled with the placing such a power in his hands. At the same time, as the Committee thought it better that there should be a reference to the Treasury, he would be the last to object to that which was perhaps in principle the more correct course. The next recommendation related to the division of the Ordnance Office between the Tower and Pall Mall. The Committee stated that the distance between these two places rendered it difficult to obtain information as to current transactions, delayed business, and seriously interfered with the prompt discharge of official duties; and that a project for increasing the accommodation in Pall Mall, and bringing there the clerks employed in the office at the Tower, had been frequently under consideration, and that it was said the necessary alterations could be effected for 15,500*l.* They added, that the present system occasioned a great loss of time to the clerks, inconvenience to the members of the board, and consequent disadvantage to the public. This point had been attended to. Application had been made to the Government to sanction an alteration in the premises at Pall Mall; and he (Colonel Anson) thought it would be advantageous in every respect. The separation of the office had been most inconvenient, particularly in the business of a department having such complicated concerns to conduct. The Committee lastly commended to the attention of the Government the constitution of the department. They very wisely abstained from recommending what should be done, and left it to the Executive Government, the proper persons, to carry out the alterations requisite for remedying the defects that appeared to exist, and improving the arrangements. These matters would be much better understood by those belonging to the department than even by gentlemen who had given so much time and trouble to the subject in Committee upstairs. Now, the next vote was one that was rather alarming to look at, when persons were not acquainted with the Ordnance establishment; it was Vote No. 5, for "establishments in the united kingdom and colonies, salaries, allowances, and contingencies," amounting this year to 303,286*l.*, but last year (1849–50) to 315,373*l.* But let the year before be also looked to, for these reductions had been going on for these two years; the reduction, as compared with 1848–9, amounted to 19,381. The reductions for 1850–51, as compared with 1849–50, were these: — in Ordnance establishments at home, 2,436*l.*; abroad, 2,352*l.*; barrack establishments at home, 4,855*l.*; pay of clerks of works, 2,289*l.*; in barrack estsblishments abroad there was an increase of 385*l.*—reducing the total reduction to 11,547*l.* It might be asked why there should be this increase abroad; but there was a very large reduction in this item in the previous year — 11,312*l.*; and, taking the two years together, there could hardly be fault found upon this item. The Committee considered this vote and the next—for wages—conjointly. Their attention was drawn particularly to the establishments at Woolwich employed in the manufacture of articles required for Ordnance service. The reasons for the increase in the expense of those establishments in the last few years were fully stated in the report, and it would not be necessary to recount them. Gentlemen who read the report would see the reasons. In the laboratory, the carriage department, and the inspector of artillery department, it had been necessary to add largely to the number of artificers and labourers to meet the demands of the service; but very little addition had been made to the charge for superintendence. It was impossible to speak too highly of the indefatigable exertions of the officers at the heads of these departments. The new armament for the Navy, the improved description of guns and carriages, and the demands made upon the laboratory, sufficiently accounted for increase here. In the storekeeper's department at Woolwich, there was, however, a decrease of about 2,000*l.*, notwithstanding the increase of work. The Committee in their report recommended that some of the establishments in the smaller colonies in the West Indies and Canada should be dispensed with, and stated that they were of opinion that in Canada, with the present improved means of communication by steam and railroads, the concentration of stores at a smaller number of stations might be sufficient for the supply of the force to be maintained there. This subject had been very closely considered, and various reductions had been made, in accordance with the wish of the Committee. In looking through the list of the establishments, Gentlemen would see that there was a reduction at home (Marchwood), and in Canada, in the instance of Isle-aux-Noix, the Ottawa Canal, and Toronto. There had also been some alterations in regard to the storekeepers and the deputies; some of the deputy storekeepers — about seven — had been reduced in the course of the year. In 1848-9 there were 40 storekeepers and deputy storekeepers at home, and 55 abroad; in 1850-51 the numbers were 36 and 51. In 1835-6 they were 39 and 46. The salaries had not increased: the 87 now cost 32,003*l.*; the salaries in 1835-6 were 31,015*l.*; in 1848-9, 34,790*l.* In 1835-6 there were 104 barrack-masters in the united kingdom; in 1850, 93. The salaries of the barrack-masters, sergeants, and labourers, amounted to 25,125*l.* in 1835-6; to 24,572*l.* in 1850. In the barrack establishments in the colonies there had been an increase since 1835 both in numbers and expense; but no one could be much surprised at that, considering what possessions had been added to this country. The barrack-masters were now 43: they were 38 in 1835. With respect to barrack establishments, various reductions had been made, and others were in progress. It had been urged, that while our barracks had been increased, there had not been a corresponding diminution of the number of buildings hired for temporary use; but the Government had given its best consideration to this matter, and there were now six or seven barracks in the northern district which would be given up as soon as the troops had been removed from them, and, therefore, there would be a diminution next year. In conclusion, upon this vote, he had to state, that every establishment at home or abroad had been required to send in an accurate report of its state, that it might be seen whether the numbers employed there were necessary; and those reports were submitted to the authorities here, and brought under the notice of the Board of Ordnance, and the Master General would dispense with those that did not appear necessary. The next vote was for Wages, 129,003*l.*; in 1849-50 it was 141,330*l.* A diminution arose thus:—in wages in Ordnance establishments in the united kingdom, 9,455*l.*; in vessels and hoys, 551*l.*; in wages in the establishments in the colonies, 1,883*l.*; in fire-masters, &c., 2,321*l.* But the previous year must not be forgotten. In 1848-9 the vote was 158,567*l.*; compared with that, the diminution was 29,501*l.* The Select Committee recommended that the number of artificers and workmen in the manufacturing departments at Woolwich and elsewhere should be fixed according to the wants of the service in time of peace, and that no addition should be made without the written sanction of the Treasury. This had been attended to. Returns had been called for from all the establishments to show their extent and amount of duty; this was all under the consideration of the Ordnance authorities; and when they had fixed the amount required to be kept up, the whole would be submitted to the Treasury for their sanction. This had been done already in a great many instances at home. Some of the departments at Woolwich had been thus revised. In future no increase would be made in any of these departments without the sanction of the Government. The next vote was for Ordnance stores for land and sea service, 211,631*l.*; in 1848-50 it was 323,418*l.* The decrease arose in the following items:—for small arms, 30,000*l.* less than last year; iron ordnance, &c., 18,560*l.*; stores of every description, 58,327*l.*; purchase, &c., of stores on the spot, 1,500*l.*; materials for packing, &c., 3,000*l.*; repair of Ordnance vessels, &c., 400*l.* In 1848-9 the vote was 502,585*l.*—more by 290,954*l.* than for 1850-51. The Committee recommended greater detail with regard to these stores in the estimates; and it was shown now what was necessary for the stores for the different departments at Woolwich and at the Tower. At the Tower there were required 28,783*l.*; at Woolwich, in the carriage department 21,987*l.*, laboratory 20,899*l.*, storekeeper's department 15,660*l.* There was one omission, which could be rectified in a future estimate; it was desired that the item of timber should be specified. A very small sum being required for it this year, 6,000*l.* or 7,000*l.*, it had been put under the head of "Miscellaneous Stores." The Committee recommended that the quantity of stores to be kept in hand should be made to approximate more nearly to the wants of the service in time of peace. Every exertion had been made by the department to arrive at a definite conclusion and proportion. In August instructions were sent to every establishment to make returns of the state of their stores, distinguishing serviceable, unserviceable, and obsolete, and the returns had been received from the home stations, and some of the foreign. They would be considered in the first instance by the principal storekeeper, who would report to the Master General, and the Master General would give instructions to the establishments abroad as to the disposal of their stores. Much of these was obsolete, and there was a difficulty in getting rid of obsolete stores. It was a question whether it was better to get rid of them at what was no price at all, or retain them in case they should be wanted. It was unadvisable to keep a larger supply of stores than was really required; but to determine to sell obsolete stores on the spot, or send them home, would involve a heavy sacrifice or a very great expense. He did not believe those stores that were obsolete or unserviceable would produce a twentieth part of their original cost. It might be said that was the fault of the authorities for having kept them so long; but it should not be forgotten that we had been threatened with war at various times during the last few years, or that there had been, at least, a probability of our being involved in war, and, under such circumstances, we had been obliged to send our stores, in order that we might not be unprepared for it. In a case of that kind, when the alarm proved unfounded, it still remained a question whether it was more desirable to send those stores back, at a great expense to the country, or to retain them abroad. When the returns had been completed, and an accurate account of stores was in the hands of the Government, they would decide on the proportion necessary to be kept at each station; and if there was any surplus of serviceable stores, to determine whether they should be removed to other stations, or immediately issued for consumption, while those that were obsolete would be disposed of as soon as possible. It would be observed that the amount demanded for small arms was not large. With respect to that subject it was one of very great importance, which would require the most anxious consideration. It was hardly necessary for him to inform the House that the country had been at a great expense in perfecting that branch of our military equipments, and that our Army had been provided with percussion arms at a large outlay, while we had a certain number of the same description of arms not in service. We had not so many in store, certainly, as we ought to have, because, in his opinion, once the description of arms was decided on, we should never be without a quantity available on extraordinary occasions. Circumstances had, however, arisen which made it necessary to withhold the completion of the supply of arms at present, and not to carry it out as rapidly as had been originally contemplated. Among those circumstances the principal was that there were certain improvements made on the Continent in the manufacture of fire-arms, which would, it was stated, give foreign troops an advantage over ours. For himself, he confessed he was a little sceptical on that point; but it was one which ought to be maturely considered, and they proposed that the different inventions in and various descriptions of small arms abroad should be brought over to this country, and should be examined and tested together, in order to arrive at a most important conclusion, and decide whether we were behindhand with other countries with regard to the description of arms in the hands of our forces, or were able to compete with them on equal terms if ever we had the misfortune to be brought into collision with them. The next vote was the sum of 440,064*l.* for works, buildings, and repairs. It was a most important vote, and one on which some hon. Members were very apt to form opinions without perhaps paying to it that deep consideration and attention it required. The vote for last year had been 486,536*l.*, which, compared with the demand for the present year, showed a reduction of 46,472*l.* Under the head of new works at home the demand was 52,497*l.* less than in 1849. For new works abroad the sum required was 25,703*l.* less—total reduction on vote for works, 78,200*l.* Under the head of repairs there was an increase at home of 35,090*l.*, while the repairs abroad showed a decrease of 3,362*l.*, leaving an actual increase under this head of 31,728*l.*, which, deducted from the amount of decrease on new works stated before, left a total reduction of 46,472*l.* For the year 1848 the vote was 617,482*l.*, so that there was a diminution for 1850-51 as compared with 1848-9 of 117,418*l.* The whole of this vote had been most carefully considered by the Master General of the Ordnance and by Her Majesty's Government; and, though large in amount, the House would see how small a sum was asked for new works, such as fortifications, &c., either at home or abroad. That reduction was, however, attributable to the large amount that had been spent on those works in previous years. It was needless for him now to point out to how low a state—he might say, indeed, to what a state of degradation — our works of defence had fallen till within the last few years, and in what condition the means we possessed of protecting our shores from aggression and insult were in 1835. It was enough to say they were totally inadequate for the purpose. They remained nearly in the same state till 1845, and were in the very lowest possible condition in that year. But, in the meantime, that state of things had not escaped the observation of those who turned their attention to our relations with foreign Powers, and many hon. Gentlemen found fault with the Government for not providing more effectually for the defence of the country. In 1845 the aspect of affairs became threatening—the few fortifications we had to rely upon were dismantled, dilapidated, and decayed. If a squadron of steamers had chosen to make their way to any of our principal naval stations, either Portsmouth, Plymouth, or Pembroke, or up the Thames, they were completely open to attack, and an enemy might have committed any act of aggression he pleased—there was nothing to prevent his vessels coming up the Thames and insulting Her Majesty in the very heart of her dominions. These considerations pressed themselves so seriously, at the time, that the attention of the right hon. Member for Tamworth and the existing Government were called to it, and they at once set to work to remedy this neglect. They proposed that a sum of money should be set apart to improve our defences, and their example had been followed by the present Government to a very considerable extent. The result was, that much had been accomplished during those four years, and he was happy to say the country might be proud of it. At Portsmouth the sea defences had been completed, and made very powerful; at Plymouth they were equally complete; and he believed great improvements had taken place at Sheerness, and in the defences of the Thames. They had commenced similar works at Pembroke, which was one of the finest dockyards and harbours in the world, and he was sure the House would be prepared to meet any reasonable demand upon them for its defence. It was impossible to say what might come to pass in a few years, and though the expense might appear to be large now, when the House considered the ultimate advantage to the country from the state and the feeling of security against aggression, they would, he was certain, agree with him that it far outbalanced any temporary inconvenience from the grant of so much money. The recommendations of the Committee on this vote were principally directed to the proper consideration of all expenses to be incurred for works before they were undertaken. He certainly agreed with them in that recommendation, and also was of opinion that the number of years each work would take should be ascertained as well. The great fault they had committed was in commencing works without knowing when they would be finished; but at the same time he thought it would be found on inquiry that very little ill-advised outlay of money had taken place. If they looked to the expenditure on civil buildings, it would be found to have been much more lavish and not half so well considered; and though the officers who had the management of military works had been blamed for extravagance, he ventured to say their estimates had been less often exceeded than those of any civil engineer in the country. The Committee were quite right in recommending that Government should always give official sanction before any outlay took place, as well as in their remarks on the necessity of fixed plans and detailed estimates. The works at Corfu and the Ionian Islands generally, at the Mauritius and Bermuda, had been well considered by Government. With respect to Corfu, no sum would be taken this year for new works, and the only demand that would be made was for a sum to complete the bomb-proof barracks within the citadel, which was shown in the paper before the House. In the case of the Mauritius, the only sum asked for was to complete Fort George, which was situated at the entrance of the harbour, and which would be finished at a small expense. Without pretending to attach any great importance to his opinion, he would be ashamed of the House if they did not vote a liberal sum of money for the defence of that possession. It was one of the most important of our distant dependencies, and there was evidence to show that during the last war prizes had been taken into the Mauritius of the value of between 7,000,000*l.* and 8,000,000*l.* sterling. The Committee had recommended that the works at Bermuda should be postponed, and that Government should reconsider the question and the plans submitted to them. Those plans had been, in fact, already decided upon; but in consequence of the system to which he had adverted, of extending the expenditure over a long period of years, a delay had occurred in carrying them into effect, and the Government, in pursuance of the recommendation of the Committee, had abstained from taking any vote for works of defence, and only asked for a sum to complete the naval storehouses, which could not be dispensed with at such a large naval station. The total amount required was about 12,000*l.*, of which 3,000*l.* would be taken this year, and such further sums as might be required until a strict examination into the state of the works had been completed. The next vote was for what was called the scientific branch of the Ordnance Department, in which there would be found an increase on the vote for last year of 3,945*l.*, the vote for 1850–51 being 98,804*l.*, the vote for 1849–50 having been 94,859*l.* The cause of this increase was the larger amount required for the surveys. Of late years Government had taken annually a vote of 60,000*l.* for surveys; but, in consequence of the report of the Committee that the engraving of the maps of large towns should be accelerated as quickly as possible, it was resolved to ask for an increase of 5,000*l.* on that account. There was a large accumulation of surveys in the department, but they had not force enough to engrave them, and on that ground they asked for 2,000*l.* more than usual for the completion and publication of the Grand Trigonometrical Survey of Great Britain and Ireland, and the Ordnance Survey Levels. They would be engraved on a scale of five feet to the mile, and would be valuable for many purposes of great importance. For instance, all sanitary improvements might be carried forward with the aid of these large maps. It was hoped the publication of the surveys and plans would afford valuable information and assistance to the public, and recompense them for the sums expended on the work, to which the House would not object. Fault had been found with the progress of the survey in Scotland, and complaints had been several times made of the slowness as well as of the mode in which it was carried on. A strong recommendation had been received from the county of Edinburgh that the survey should be proceeded with there instead of at Wigtonshire, upon which it was intended to act forthwith, and to proceed with the survey as rapidly as possible. The estimate for the Royal Military Academy was less than the vote for 1849-50, including a decrease principally of 1,770*l.* on the amount for the junior establishment at Carshalton. There was a small increase on some of the charges for the establishment at Chatham, though, on the whole vote, a trifling reduction was effected as compared with the vote for last year. The next vote was the sum of 177,536*l.* for Ordnance non-effective services, military and civil, on which there was an increase of 5,877*l.* over the vote of last year. That increase chiefly arose from superannuation allowances in the civil departments. A reduction of 546*l.* took place on the amount for retired and unattached general officers, compassionate allowances, and officers recorded as set off against the retired (full and half-pay), director and deputy-inspector of general medical department, and widows' pensions, &c. In addition to this, 126 persons had been pensioned since the last estimates; but all the charges of that nature were strictly in accordance with the regulations of the House of Commons, and no one was allowed to retire but in accordance with those rules. So that the sums might be looked on as a fixed charge. All claims were submitted to the Treasury, and the Lords decided upon them, and fixed the amount of pension as they thought fit. Having gone through all the votes in such detail as appeared to be necessary, and having considered in each case the recommendations of the Committee, he thought the House, with the report before them, and the evidence in their hands, would be fully competent to acquire all the information they might desire on those various and complicated subjects. He was sure that those who best understood the condition of the Ordnance Department would agree with him that it was no easy task for any person to make himself thoroughly acquainted with all its details; he had taken all the pains he possibly could to make himself master of the whole of the subject, but he doubted not that an individual Member applying his mind to one item exclusively might attain to such a perfect knowledge of that as to place those who endeavoured to grasp the whole at a comparative disadvantage; but he assured the House that he had spared no pains to make himself master of every important fact or principle relating to the department. On the grounds, then, which he had stated, he asked the House to consent to the vote that he now proposed to put into the Chairman's hands. He did not ask them to consent to that vote solely on the ground that there was a difference in favour of the present year amounting to 198,000*l.* This reduction, as compared with the last year, was striking, but he did not on that account alone call upon them to agree to his Motion. He asked them to do so because the whole of the Ordnance Estimates had received the close attention of the Government, and because they had been fixed as low as the efficiency of the service would permit; everything had been done that was practicable in preparing those Estimates, to inspire confidence in the country; to satisfy the country that the best possible use was made of the money collected from the public, and that the Government had anxiously, maturely, and carefully considered the whole of those Estimates. He should conclude by moving that the number of men for the Ordnance be 14,569, including officers, non-commissioned officers, and men, of the several Ordnance corps and departments to be maintained for service at home and abroad.

Mr. HUME said, he was not going to occupy the time of the House at any length. He wished to do the gallant Officer who had just sat down the justice to say, that on the Committee which had sat upwards of four months, the hon. and gallant Gentleman had devoted his whole attention to the subject before them, and had done everything in his power to lead the inquiry to a satisfactory result. The House would recollect that the Ordnance department were called upon by the Army and Navy to provide certain stores which they had to furnish, and that they were, therefore, to a certain extent, executive officers. The real responsibility, therefore, rested with Her Majesty's Government, and with the military and naval authorities. The House had unequivocally decided on supporting the military establishments to the full extent, and they could not, therefore, refuse the stores necessary for it. The hon. and gallant Gentleman had spoken of the reductions made within the last two years; but he wished to know why the comparison was never carried back more than a couple of years? During the last eight years they had strained every resource of the country, in order to keep up an establishment far greater than ever had been kept up in ordinary time of peace before. Taking the artillery force alone, he found that in 1792 they had but 4,486 men; in 1828 they had but 8,682 men; and yet they were now called upon to vote upwards of 14,000 men. He wished to know why that vast force was now wanting? In 1792 the whole Ordnance expense for men was 151,000*l.*; in 1828 it was 471,000*l.*; and this year it was 711,000*l.* They had now twelve battalions, though they never before had more than ten battalions in this force. It was for the country to decide—and in his opinion the country would decide before long—what was the proper amount to be expended for this service. For five successive years the Ordnance Estimates did not exceed 1,150,000*l.* In 1845 they reached 2,100,000*l.*, and this year they were 2,600,000*l.* When the hon. and gallant Gentleman spoke of the necessity of keeping up stores for 185,000 men, after thirty years of peace, he regarded it as a sarcasm on civilisation. It would appear that in direct proportion as the country became more civilised they were to increase their war establishments. He would recommend hon. Members to read the evidence given before the Committee by Captain Hastings, of the panic the Ministry laboured under in 1844, lest some foreign fleet should attack our shores. And the same fear, absurd as it was, was actually put before them again this evening; for the gallant Officer talked of a foreign fleet invading this country at any time, unless our harbours were put in a state of defence. But what was to become of our fleet all the time? or could any fleet be got ready in a foreign country, and invade these shores, without our receiving any notice of it whatever? These were altogether erroneous views which were taken by the Government, and against them he felt called upon to enter his protest. He would not follow the matter further; but he put it to the House whether the Ordnance Office ought not be altogether abolished—whether its miltary department ought not to be transferred to the control of the Commander-in-chief, while what properly related to the Ordnance would become a mere store department-partment, at a considerable reduction of expense? There was in existence the report of a Committee, of which five of the present Cabinet Ministers were members, recommending such a change in the government of the Army; but up to this hour the question had been evaded. He trusted, however, that the Committee now sitting would come to some decision on the subject. He was ready to admit, however, that the hon. and gallant Officer had made a very candid statement; but the reductions he announced were so trifling that he could not accept them as reductions at all, most of what had been done in this way being mere postponements of expense. No doubt there had also been the reduction of a few storekeepers; but he hoped the gallant Officer would adopt there commendation of the Committee, and appoint some of the half-pay artillery officers to be barrack-masters and holders of other civil offices, which would effect a great reduction of expense. But the great reduction he contemplated was the reduction of the Ordnance establishments. At present these establishments were studded all over England. Now that stores could be conveyed by means of railways to the most distant parts of England in the course of twenty-four hours, he did not see the use of maintaining so many establishments, which in fact deprived the country of all benefit to be derived from the introduction of steam. He had always had an idea that there was some mystery connected with the Ordnance departments, and that none but Ordnance officers could understand them; but he had certainly been disabused of that idea, for he found on inquiry that there was not a single artillery officer at the board—they were all cavalry or infantry officers, which showed that there was no peculiar difficulty in the management of the office, and that no harm could arise from its amalgamation with the office of the Commander-in-chief. As long as the House sanctioned these expenses, however, they would go on; but the day of reckoning must come, and therefore it was that he was anxious to see the constitution of the House altered, for he was satisfied that, as at present constituted, they were quite inadequate to control the expenditure. This very evening he might, if he had chosen, have counted the House out four or five times. He was glad to see that the hon. and gallant Member for Lincoln retained his place throughout the evening. The hon. and gallant Member occupied two benches, and there was another Member asleep on the front brench; and that for a considerable time represented the whole attendance on the opposite benches. Financial reform boards were now forming all over the country, and yet this was the indifference with which the House of Commons regarded questions of voting away money. With this state of things, he thought it was ludicrous in the highest degree to talk of the House of Commons being a check upon the public expenditure. He protested against the whole system; he did not blame the officers; he believed they were very good men for carrying out details; but it was the system which was bad. He did not intend to move any reduction upon this vote, though, as he had shown, the artillerymen had been increased in the course of a few years from 8,000 to 14,000 men. He was aware of the importance of this arm of the service; but he was quite willing to add to the strength of the artillery if the Government would reduce the infantry force, and let the artillery men do garrison duty. But what he complained of was, that the artillery was nearly doubled, while the other arms of the service were also increased. He would further state his opinion, that the Ordnance ought to dispense with its manufactories; that it ought to contract for every thing it wanted, with the exception, perhaps, of gunpowder. At any rate, he thought they ought to dispense with some hundreds of establishments, with their complement of storekeepers and other officers, accumulating stores in one year to be sold a few years afterwards at a great loss.

Colonel CHATTERTON said: I have very great pleasure in hearing my hon. and gallant Friend so ably propose the Estimates entrusted to his charge; and I am happy in giving them my entire support; so far from thinking our force of artillery too large, I am quite disposed to vote for its increase. In all our warlike affairs we have been sadly deficient in that most valuable and important branch—Artillery—for, with the exception of the last brilliant affair of my noble Friend at Goojerat, the want of artillery has been greatly felt. That engagement was essentially an artillery one; and, as far as my experience goes, I am decidedly of opinion it is both humane and merciful to have an overwhelming force of artillery in the field, as an engagement with the effective assistance of this powerful arm is much sooner decided, and with much less loss of life than where that force is weak and insufficient.

Vote agreed to, as were the following votes:—(2.) 652,755*l.*, Pay and Allowances, Ordnance Military Corps. (3.) 173,837*l.* Commissariat.

On Vote 4, for 66,961*l.*, to complete the sum necessary to defray the expense of the Ordnance Office,

Mr. HUME asked whether, if the military department was transferred, as it ought to be, to the Horse Guards, any man in his senses would give 66,000*l.* to keep up an office only necessary for the control of the stores?

Colonel ANSON did not wish to trouble the House again, but really his hon. Friend made such extraordinary statements that he could not allow them to pass. The hon. Member told them that the mastery of the Ordnance details was an easy business; but he could only say that he never knew any one who had attended to them so long as the hon. Member, and who knew so little. It was impossible to allow the House to be misled into the opinion that the Ordnance Office was upheld for no other purpose than the superintendence of the stores. There were a great many duties to be performed; and he did not believe there was any other department of the Government where so much business was done. He should like very much if the hon. Member would come and sit in his office for a couple of days, when he would find that he would be required to go through as many figures daily as he was crammed with for a supply night. With regard to the amalgamation of the office with the Horse Guards, that was a question that would come before the Committee now sitting on the Army; and though the hon. Member has shown that his mind was made up on the question, yet he (Colonel Anson) would not give any opinion till he had heard the evidence, further than this, that if they broke up the establishment, he did not know whether they could conduct the business with the same facility as at present; but he was certain that it would be at an increased expense. His hon. Friend had quoted the Ordnance for 1835 at 1,100,000*l*. That was a mistake; the Ordnance expenditure for the year being 1,497,000*l*., the difference between which and the present year was, therefore, only 930,000*l*. With regard to the propriety of appointing artillerymen to be storekeepers, the board would be ready to do so if it were practicable; but in truth very few of them were so competent for the duty as those who had been brought up to the store department from an early period. Besides, as most of the storekeepers entered the service very young, at a small pay, but with the prospect of an increase as they remained in the service, he thought it would be to destroy all their fair and reasonable prospects if they were now to appoint artillery officers to those places which they had been led to believe would be given to them.

Mr. HUME said, the matter might, perhaps, be difficult of proof; but he would venture this observation, that if the military and store departments were separated, as in the Bengal army, the business would be efficiently done at one-fourth of the expense, and without that waste of stores which was continually occurring now. He also defended his statement of the Ordnance expenditure in 1835, which he said he had taken from a return ordered by Mr. Baring, and signed "J. Parker."

Colonel ANSON said, that return was incorrect.

Vote agreed to.

On Vote 5, that 243,826*l*. be granted to complete the sum necessary for defraying establishments at home and abroad,

Mr. COBDEN said, they had at home and abroad eighty Ordnance establishments, with storekeepers, deputy storekeepers, clerks, and all the other officers necessary in an establishment for keeping stores. Now, that was one of the points to which the Committee drew the attention of the Government in expectation of a considerable reduction being made in the number of these establishments. The hon. and gallant Gentleman had told them that there was a reduction of four establishments; but he thought the Committee looked to see a great deal more done. Harwich, he observed, was still retained; but Harwich was pointed out by the Committee as an establishment that might be dispensed with; and with the present facilities for travelling, more establishments ought to be shut up, and their expense saved. Abroad, there were forty-seven of these establishments. He thought that the same rule which applied to England ought to apply to the colonies, and probably to a still larger extent. He found that there were in Canada seven Ordnance establishments, keeping half a million worth of stores—many of them of a very perishable nature—and yet some of these stores had been there for half a century. If he went to the West Indies, he found every little island there strewed with cannon, shot, shell, and all the paraphernalia of the Ordnance. Now he had been informed, on the authority of parties who had recently visited the West Indies, that this system might be changed with advantage, even to the efficiency of the service. Before the introduction of steam navigation, there was a difficulty in communicating between the Windward and Leeward Islands at certain seasons of the year, a voyage between them occupying sometimes twenty days, but now they might be reached in twenty-four hours, or forty-eight at the utmost; and he had been told, and he had no doubt correctly, that they were still keeping up an establishment on every small island with from forty to fifty artillerymen. He had been told that their services might be dispensed with to the advantage of the service, and without inconvenience to any one. He hoped the hon. and gallant Gentleman would not think he had carried out the recommendations of the Committee by reducing the establishments—if he came before them next year with a reduction of twelve or twenty more, he would still find that he had left something to do.

Colonel ANSON said, he did not mean it to be understood that the reductions were completed, but time must be allowed for making the necessary inquiries into the case of each establishment.

Mr. HUME asked if the establishment had been reduced in Australia, as the troops had been reduced there?

Colonel ANSON said, that provision was making for its reduction.

Colonel CHATTERTON said: I perceive amongst other items "stores damaged or deficient by troops, 8,775*l*." I should wish to know is this a credit for what has been called usually barrack damages. [Colonel Anson: Yes.] I beg, then, to call attention to this most iniquitous plan of barrack damages; nothing more requires attention and alteration. It is, indeed, disgraceful to see how soldiers are mulcted and cheated under this head. Is it expected that barracks are to be occupied for years without requiring repairs? It is quite abominable to see how this system is carried on. Every month the barrackmaster, attended by a long suite of officials, clerks, sergeants, contractors for repairs, makes his inspection; every nail-hole in wood-work or plaster is carefully noted down by these contractors; every spot or stain on floor, table, or wall, is eagerly pointed out by these prying personages; for the more abstracted from the soldier, the more the contractor gains. The charges of 2*d.* per nail-hole, 6*d.* or 1*s.* for stains or ink-spots—for all the soldiers pays at a rate perhaps of 1,000 per cent above the value; for, in many instances, a stroke of a whitewash brush, of the value perhaps of a thousandth part of a farthing, will erase a damage of contractor valuation of a shilling or two. If a bolt or screw-nut is lost in the stable by the uneasiness of a horse, and cannot be found in the litter, the soldier of course pays for it. In vain commanding officers endeavour to save their men from such impositions—in vain he remonstrates; he gets no redress; he entails a month's correspondence upon himself; a board, perhaps, is ordered to assemble to investigate the case, but who can they examine but the very men who have made the charges?—and whatever those opinions may be, they of course corroborate the injustice; for if ever convinced they are wrong, for consistency sake they will hold to their original opinions. Another fraudulent system is the repair of glass, and it forms a most serious monthly charge against the soldier. The lowest tender for its supply is taken, and the most inferior thin glass is supplied: consequently, if ever the door is closed with violence, panes are invariably broken, and of course the soldier is again mulcted. I also perceive in the same column, "Washing sheets, paid for by the troops 10,044*l.*" Now here, Sir, is more cheating. It is well known the contract for washing these is from $\frac{3}{4}d.$ to 1*d.* per pair: why should the soldier pay more? he is charged 2*d.* But, Sir, it is only a continuance of a system against the whole of which I most strongly protest—a system founded upon fraud and injustice, by which the soldier is cheated and defrauded out of his hard-earned pittance in a most shameful and scandalous manner.

Colonel ANSON said, that the language of his hon. and gallant Friend was rather strong; but the fact was he spoke professionally as the commanding officer of a regiment, and gentlemen acting in such capacities were often biassed. But the public wanted protection in those matters, and laxity could not be allowed. If those small damages were overlooked on account of their individual smallness, the consequence would be an aggregate of expense to the nation, which would bring down his hon. Friend the Member for Montrose to complain of their gross neglect. It was a subject, however, that should be closely looked into.

Colonel CHATTERTON: I have spoken strongly, for I strongly feel this crying injustice; and I would beg to say if my gallant Friend or any Member of the House imagines I have spoken too strongly in reprobation of this matter, I request they will move for copies of the correspondence which has taken place between the authorities and myself, upon my regiment leaving Edinburgh in the year 1846, when the system I complain of was in full activity. Before I leave this branch of the Estimates, I would beg to ask if any steps have been taken for erecting buildings in barracks for the convenience of married soldiers? It is really subversive of all the rules of decency or morality for married soldiers to occupy the same rooms with the bachelor soldiers. But I do not see any item in these estimates to provide for a requirement so essential.

Mr. FOX MAULE said, that this had been under the consideration of Government, and that last year 4,000*l.* had been voted for separate accommodation for married soldiers.

Colonel CHATTERTON: I am very glad of this assurance. There is one more item to which I beg to call attention—namely, "coals and candles in barracks in Great Britain and Ireland, 74,968*l.*" Now, of this even the hon. Gentleman the Member for Montrose cannot complain, formed as it is upon such a wretched parsimonious plan. Will the House believe that the allowance for a soldier in barracks of coals is about forty ounces per week; of candles—which are of a most wretched description, at eight to the pound, the contract price being about $4\frac{3}{4}d.$ per pound—half a pound per week for eight soldiers, or perhaps about an inch and a quarter per week for each man; of wood, three quarters of an ounce per week per man? Of course, all this is totally inadequate to their wants; and again, the system of the soldier paying is resorted to. I have felt it my duty, anxious as I am for the welfare and protection of our gallant Army, to state these facts to the House, and to call my hon. and gallant Friend's attention to them, should he again have to lay the Ordnance Estimates next year before the House; and I hope and trust my recommendation which I have ventured to offer may not altogether be forgotten by him.

Mr. HUME asked if any arrangements had been made with regard to the payment by the colonies of the expense of barrack accommodation to be hereafter provided for the troops?

Colonel ANSON reminded the hon. Gentleman that he had already stated that such an arrangement had been made with regard to Australia. After the 1st of October next those expenses would be paid by the colony.

Mr. COBDEN called attention to the following passage in the report of last year's Committee on the Ordnance Estimates:—

> "The large and increasing amount required for barrack accommodation in the colonies induced your Committee to request Earl Grey, the Secretary of State for the Colonies, to afford some information as to the practicability of any future reduction under this head. His Lordship stated that, in his opinion, the colonies ought to contribute more than they have done to the expense of lodging the troops, and since he had been in office he had never lost sight of the importance of gradually obtaining from the colonies contributions towards defraying this expenditure; with this view he had now proposed that in Australia the whole charge of the barracks should be transferred to the colony."

This had been done, it appeared, in Australia. He wished to know whether Earl Grey's attention had been directed to the same subject in the other colonies?

Colonel ANSON said, that that was obviously a question which it was not for him to answer. As Earl Grey had stated it to be his intention to apply the rule to the other colonies, no doubt it would be done.

Vote agreed to.

On Vote 6, for 79,003*l.* to complete the sum necessary for the payment of Wages of artificers, labourers, and others employed in the several establishments at home and abroad,

Mr. HUME said, that that vote involved the whole principle of manufactures, of which he had so often found occasion before to complain. It had been decided in 1828 that no manufactured article that could be supplied to the Government by contract should be manufactured by the Government.

Colonel ANSON said, that that rule had not been deviated from wherever it was possible to observe it. The articles supplied to the Government from Woolwich and other places were only those that could not be depended upon if supplied by ordinary manufactures.

Mr. COBDEN said, he had paid particular attention to that point in the Committee last Session, and he was convinced that the parties examined could give no very clear idea of what was the cost of the articles manufactured. For instance, in the manufactory of gunpowder, they kept a large stock of saltpetre and of sulphur, enough for twenty or thirty years' consumption; they had a large establishment of blasting machinery, a number of dwelling-houses for the superintendents and cottages for the workpeople; but all that capital was put down as nothing. They simply took the wages and the cost of the raw material, put the amount of the two as the expense of manufacturing the article, and then compared that with the cost of what they purchased from private individuals, who were in the habit of putting down all their capital, fixed and floating, as entering into the cost of their manufactures. He did not think the evidence given was worth one straw; and he did not believe that anything made in the department might not be purchased cheaper of the manufacturers. He did not include gun carriages, because they were merely an adaptation of articles which they had in the yard; but he believed that gunpowder and brass ordnance might be bought cheaper.

Colonel ANSON said, that three-fourths of all the gunpowder was supplied by contract, but as to the brass guns the hon. Gentleman was very much mistaken. They required to be made of a mixed metal, which could not be depended on unless great care were taken in the fusion and amalgamation. They could not entrust their manufacture to other than their own hands.

Vote agreed to.

On Vote 7, for 111,631*l.* to complete the sum required for Ordnance stores for land and sea service.

Mr. HUME objected that 90,000*l.* were set down for new small arms.

Colonel ANSON said, that they must have a store of muskets besides what were actually in the hands of the troops. They used to have a reserve of 200,000 muskets, but they had nothing like so many now.

Mr. HUME said, that many of the old stock had become useless as being obsolete. There were daily improvements being made in small arms, and he feared they were now making a store which would be declared obsolete in a few years.

Colonel ANSON said, that they were always liable to that chance; but it was in common with other nations. They should keep up a sufficient store of good arms.

Mr. HUME asked how much saltpetre they had in store?

Colonel ANSON said, that 4,000 tons used to be the regular store, but they would now have not more than 3,500 tons. He thought it better to keep it in a refined than a rough state.

Mr. HUME wished to know how many years' supply that was; for, so long as they held India, they need keep no great stock.

Colonel ANSON replied, about five years' consumption. But as to India supplying a store when wanted, they would find, if an emergency arose, that the price would be doubled, or more, upon them.

Mr. HUME said, the keeping of a stock wasted more than what the difference in price would be. Those stocks were a monstrous source of loss. They had been obliged to throw aside as useless no less than 24,000 iron guns.

Vote agreed to, as was Vote 8 for 290,064*l.* to complete the sum necessary to defray the expense of works, buildings, and repairs.

On Vote 9, 78,804*l.* to complete the sum required to defray the expenses of the scientific branch of the Ordnance department,

Mr. WYLD wished to know whether any, and if any, what proportion of the expenses incurred by the survey of the metropolis had been paid as yet by the ratepayers of the city of London?

Colonel ANSON rather thought that none had been repaid as yet. When any would be paid it would be paid into the Exchequer, and appropriated in aid.

Mr. J. E. DENISON objected to the expenses incurred by the Irish Ordnance Survey. The first estimate of the expense of the survey of Ireland was 30,000*l.* It turned out to be 120,000*l.* The whole survey, and the cost of maps was then said to be likely to amount to 300,000*l.* But the expense already incurred had amounted to no less than 758,000*l.* for surveys and maps. The survey was pretty nearly completed, except some levels and lines of elevation, but it was estimated that the completion would cost 120,000*l.* more. He wished to know what was the decision of his hon. and gallant Friend and of the Government with regard to this expense?

Colonel ANSON said, that the additional expense was occasioned by the map of Ireland being under revision. The system of contouring was found to be much superior to the system of hill sketching, and the whole survey was being now revised upon the plan of the field survey, it having been completed upon what was called the townland survey. Those additional expenses might seem inexpedient, but they were as necessary as outlays upon new guns and changes in the form of arms, which they had been shortly before discussing. They had begun the English survey upon the scale of one inch to a mile, but they had subsequently altered it to a scale of six inches, as far more useful for the large towns. The maps of the large towns were being engraved, as the survey was being completed. The townspeople were anxious to have the maps, and were applying for them in order to carry out the more perfectly their sanitary improvements.

Mr. J. E. DENISON said, that if the House thought fit to lay out the sum of 120,000*l.* for contouring, of course it could do so. But the maps having been already completed, the addition seemed an entirely unnecessary expense.

Sir H. VERNEY thought the contouring most important. Had there been maps completed in such a manner when all the railways that now intersected the country were projected, it would have saved the outlay of millions of money in surveys.

Captain BOLDERO recommended the adoption of a unform national scale for these surveys.

Vote agreed to, as was Vote 10 for 137,536*l.* for the non-effective Ordnance service.

SUPPLY—NAVY ESTIMATES.

On Vote 11, Motion made, and Question proposed—

> "That a sum, not exceeding 137,100*l.*, be granted to Her Majesty, to defray the salaries of the officers and the contingent expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1851."

Colonel SIBTHORP said, he had given notice of his intention to call the attention of the Committee to this Vote. He had to propose a reduction of the present establishment of the Admiralty, particularly as regarded the number and salaries of the Lords. The right hon. Baronet opposite held the office of First Lord with a salary of 4,500*l.* a year, to say nothing of other advantages, such as a large house in a dry, airy, and wholesome situation, rent free, with coals and candles. He thought the right hon. Gentleman might maintain the dignity of his office on a much smaller sum, and he should therefore propose to reduce it by 1,500*l.* Three Lords had a salary of 1,000*l.* each. He proposed to strike off 200*l.* from each, leaving their salaries 800*l.* instead of 1,000*l*, The other two Lords had salaries of 1,200*l.* each. These he proposed to reduce by 200*l.*, leaving for each of these two Lords a salary of 1,000*l.* a year. He proposed, that instead of six Lords of the Admiralty they should have but four — too many cooks spoiled the broth. He thought four Lords would do very well. If, after that reduction, they found that the service was not performed in the manner in which he would wish to see it performed, he had no objection to pop on another. Now, what he proposed to do was to reduce the whole expenditure of that particular branch from 9,900*l.* to 5,800*l.*, making a saving to the public of 4,100*l.* per annum. He would be guided by the Chairman as to the manner in which he would take the sense of the Committee on the question. He was not aware whether it was the regular mode of proceeding to take the proposition first in that form, and reduce the Vote for the Admiralty by the amount he had stated.

The CHAIRMAN suggested that the amount proposed to be reduced on the entire vote would be the regular course. The diminution in the larger sum would be first put.

Colonel SIBTHORP, in accordance with that suggestion, begged to propose that the salaries of the secretaries and principal officers be reduced as follows:—The first Secretary from 2,00*l.* to 1,500*l.*; the second Secretary from 1,500*l.* to 1,000*l.*; the Surveyor of the Navy, from 1,000*l.* to 800*l.*; the Accountant General from 1,000*l.* to 800*l.*; the Storekeeper General, from 1,000*l.* to 800*l.*; the Comptroller of Victualling and Transports, from 1,000*l.* to 800*l.*; the salary of the Director General of the Medical Department, and the Comptroller of Steam Machinery, ought also to be reduced; these, with other reductions which he intended to propose, would amount to 7,100*l.*

Afterwards, Motion made, and Question put—

"That a sum, not exceeding 135,100*l.*, be granted to Her Majesty, to defray the salaries of the officers and the contingent expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March, 1851."

Sir F. T. BARING said, that if he rightly understood the hon. and gallant Gentleman, what he proposed was to reduce the salaries of the Lords of the Admiralty, and also of the staff of the Admiralty—of those gentlemen whose offices were not political, but who were, in fact, merely the head clerks of departments. The hon. and gallant Gentleman also proposed to reduce the number of Lords of the Admiralty from six to either four or five.

Colonel SIBTHORP begged to explain. He did not wish to touch the salaries of clerks at all. They were the working men. It was the officials who were only nominally clerks, head clerks, superior clerks, gentlemen clerks, in fact, whose salaries he thought ought to be reduced.

Sir F. T. BARING said, that the difference was only in the application of a term; for the parties referred to were the heads of the department at Somerset House. There were two or three points in reference to the hon. and gallant Member's proposition to which he would address himself. And, first, with respect to those Parliamentary officers belonging to the department, he would only say, that after the notice given by his noble Friend at the head of the Government, that that matter would be submitted for the consideration of a Committee of the House, on which occasion the question of their salaries could be finally entered upon, he (Sir F. Baring) thought it would not be expedient to anticipate the decision of that Committee. He did not conceive it fair, however, that the hon. and gallant Member should confine the vigour of his attacks exclusively to the Admiralty, and that he had permitted the Ordnance Estimates to pass without making any similar remarks upon the system of that department. But all these matters would be considered by the Committee to be appointed to inquire into them. With regard to the other officers, he thought his noble Friend had acted wisely in leaving them to the discretion of the parties themselves more immediately concerned in the discharge of their duties. It was to be considered what was a fair remuneration to be paid for their services. He could assure the hon. and gallant Member, however, that he formed an erroneous estimate of the duties to be performed by those officers to whom he had alluded, for they were most responsible and onerous. With respect to the Accountant General, he had been upwards of fifty years in the service, and was a most valuable, laborious, and useful public officer; yet the hon. and gallant Member, who professed his anxiety not to touch one sixpence of the salaries of those who were hardworking officers, proposed to make a reduction in the emoluments of one who had risen by his own merit and long standing to the station which he now occupied. He trusted, therefore, the House would not indulge the hon. and gallant Member in that respect at all events, but would rather take into consideration the long and faithful services of the individual alluded to. If a reduction were to be made, it should come into effect hereafter, and not commence in the way proposed with those who have lived so long in the service. But such reductions as were proposed might not be as economical as was supposed. Parties might resign who would be entitled to retiring pensions in proportion to their salaries; so that if new appointments took place, and retiring pensions were to be paid, the expense would necessarily be increased. The hon. and gallant Member proposed a saving of 100*l.* a year on the 600*l.* or 700*l.* of the office of comptroller of steam machinery; now he (Sir F. Baring) contemplated cutting off that post altogether, and thereby save the entire amount of the salary. The hon. and gallant Member thought that a much fewer number of Lords of the Admiralty could do the business to be performed. Now, he (Sir F. Baring) would be glad to see the number reduced if it were conducive to the public service; but he considered that in case of war we could not do with our present staff. It was, in fact, not a war, but, strictly speaking, a peace establishment. Now, how had the business of the Admiralty been managed in 1821? There had been seven Lords of the Admiralty, eighteen commissioners, and nine secretaries, to perform the duty for the first six years after the war. In 1829 there had been five Lords, sixteen commissioners, and four secretaries; and at present there were six Lords, two secretaries, and five other officers, who held permanent not political situations. The expenses of the Admiralty were for the three periods just named as follows:—

In 1821	£39,000
In 1829	32,000
At present, only	18,000

And this great reduction since 1821 had been made notwithstanding a great increase in the business to be done by that department. He did not think, therefore, the House had any reason to complain of the want of work to be done by the board. There was a large mass of detailed business to be superintended by the respective Lords; and, for his part, he did not think it would be good for the public service to reduce their number. If they did so, other parties should be got to perform the duties which now devolved upon the Lords of the Admiralty. He believed the present arrangement had been made by the right hon. Baronet the Member for Ripon in 1833—that it had worked well, and therefore he trusted the Committee would not agree to the proposition made for reducing their number.

COLONEL SIBTHORP said, the House had been reminded that the noble Lord at the head of the Government had proposed a Committee. If the noble Lord would assure him that that Committee should be appointed, he would leave his proposal to its decision; but the case reminded him of the words, *Timeo Danaos et dona ferentes.*

MR. FITZROY said, if the hon. and gallant Member had confined his proposition to a reduction of the number of the Lords of the Admiralty, he might not have made any observations on the question; but when it was proposed to cut down the salaries of two secretaries to the extent of 500*l.* a year; and still further, when it was proposed to reduce the salaries of the Accountant General, the Storekeeper, and other officers, he could not consent to such a proposition, having had some personal experience of the admirable manner in which the duties, particularly that of the Accountant General, who had been 54 years in the service, were performed; and that public servant had an enormous staff of clerks under his charge; and when the immense extent of the accounts of the Navy was considered, it could not be thought that he was over paid. With respect to the salary of Surveyor of the Navy, as that was a new appointment, he thought that 1,000*l.* per annum was sufficient. On the subject of the number of the Lords of the Admiralty, he considered the service of one might be easily dispensed with. He knew that there was an immense quantity of work to be done, but all the duty to be performed was not done. In fact, a great deal was scarcely done at all. Too much was left to be done by the permanent officers. He did believe, however, that all the business to be transacted at the Admiralty might be done by one Lord less than the present number. However, as the noble Lord at the head of the Government had promised to appoint a Committee on that subject, he (Mr. Fitzroy) should feel great delicacy in voting with the hon. and gallant Member, if he pressed his Motion to a division.

Mr. ARKWRIGHT was of opinion that much unnecessary expense was incurred by the tours of inspection that were periodically made by the Lords of the Admiralty. Shortly after the prorogation of Parliament in August last the Board were at Plymouth, and he found it stated that the first Lord examined a bakehouse, and that in the evening he honoured the table of the admiral superintendent with his presence. On another day, it appeared. the Lords embarked in the *Lightning* steamer, under salutes from the *Impregnable* and the *Dragon*, and proceeded to the *Queen*, which they closely inspected. It was, he believed, well known that the right hon. Gentleman the First Lord was no sailor. He believed that these tours of inspection were merely an excuse for very jovial parties. The next party, consisting, amongst others, of the right hon. Gentleman the First Lord of the Admiralty, proceeded on an excursion to one of the seats of Lord Edgecomb, and made most important inspections there, no doubt. On the 21st the *Black Eagle* arrived at Portsmouth, and waited for the First Lord. They then went to Pembroke, and no doubt walked through the dockyard, and dined with the superintendent. On the 28th of August he found them at Portsmouth, when salutes of the flag ship announced their arrival. In short, the movements of the Board became so hacknied, that the reporter said that it was high time that the chronicling of dining should give place to the more sensible chronicling of business. On the 31st of August, the Admiralty were employed a day in inspecting the *Excellent*, where a few friends were entertained, and this might be considered as the close of the tour. Instead of the Board of Admiralty going down and making this fuss, if one or two of their Lordships went down to make these inspections without giving notice, there would be a great saving in time and expense, and a smaller number of Lords might perform the duties. On these grounds, if the hon. and gallant Colonel took the sense of the House as to the reduction of the Lords' salaries, he should certainly support him.

Mr. HUME quite agreed to the reduction of 7,100*l.*, and thought it much better to leave the salaries to be apportioned. He should be sorry to make a reduction in the salary of the Director General of the Medical Department, because there was not a more important office connected with the Navy.

Lord J. RUSSELL said, that the hon. and gallant Colonel had fallen into an error with respect to the Committee for which he was about to move. The Committee would certainly inquire as to the salaries of the First Lord of the Admiralty and the other Lords, Members of Parliament; but it would not inquire, with regard to the salaries of the Accountant General or the other permanent officers of the department. He thought the heads of departments much better able to make reductions from time to time than any Committee that could be selected. For instance, if they took the case of the comptroller of steam machinery. It would be difficult for any Committee to determine whether this office were necessary or not; but his right hon. Friend the First Lord of the Admiralty, with the necessary information at command, had found the office to be superfluous, and had accordingly abolished it. With respect to officers of departments, he likewise thought the Government better able to judge of them than any Committee could be. The vacancy caused by the death of Mr. Brooksbank had not been filled up, nor would it be, as the Government were of opinion that the business could be got through without.

Colonel SIBTHORP was satisfied with the assurance of the noble Lord that the Committee were to investigate the subject of the salaries and numbers of those composing the Admiralty.

Lord J. RUSSELL repeated, that although the Committee might include the Lords of the Admiralty in their investigation, they would not inquire as to the salaries of the Accountant General and other officers.

Colonel SIBTHORP said, that under such circumstances he should press his proposition to a division.

Mr. DISRAELI said, that if it could be proved that, consistently with the efficient discharge of the public service, reductions could be made in the amount of official salaries, no doubt that was a fair subject to be investigated by a Committee. But if the definition given by the noble Lord as to the functions of the proposed Committee were the correct one—if their investigations were to be confined to Parliamentary, judicial, and diplomatic salaries—he (Mr. Disraeli) thought the Government ought to have been prepared with a measure on the subject which should state the grounds for those reductions which the Government admitted were necessary. When the noble Lord on Friday moved for this Committee, he (Mr. Disraeli), in moving his Amendment, should be prepared to show why he thought the noble Lord's proposal impolitic and inexpedient.

Colonel SIBTHORP said, after what had fallen from the hon. Member for Buckinghamshire, he was willing to press only that part of his Amendment which referred to the reduction of the number of the Lords of the Admiralty to four.

Sir F. T. BARING explained, with respect to the establishment, that there had been ten vacancies of extra clerks, which it was not intended to fill up. With regard to the visits of inspection to the dockyards, so far from thinking them a waste of time, he considered it would be more advantageous for the service if these visits could be more frequently made.

The Committee divided:—Ayes 33; Noes 110: Majority 77.

List of the Ayes.

Archdall, Capt. M.
Blewitt, R. J.
Broadley, H.
Chatterton, Col.
Clifford, H. M.
Cobden, R.
Dick, Q.
Duncan, G.
Ellis, J.
Greene, J.
Hall, Sir B.
Halsey, T. P.
Henry, A.
Hornby, J.
Hume, J.
Kershaw, J.
King, hon. P. J. L.
Knox, Col.
Lennard, T. B.
Lushington, C.
Meagher, T.
Masterman, J.
Moffatt, G.
Mullings, J. R.
O'Brien, Sir L.
Pilkington, J.
Plowden, W. H. C.
Rufford, F.
Salwey, Col.
Scholefield, W.
Smith, J. B.
Stuart, Lord D.
Turner, G. J.

TELLERS.

Sibthorp, Col.
Arkwright, G.

Original Question put, and agreed to.

On Vote 12, for 9,772*l.* for the General Registry and Record Office for Seamen.

Agreed to.

On Vote 13, for 49,703*l.* for defraying salaries connected with the scientific department of the Navy.

Mr. HUME complained of the high price at which the *Nautical Almanack* (for which 3,400*l.* was paid by the public) was published. It was a work of reference that every ship leaving England ought to have on board; but the price put it out of the reach of many captains. He wished to know if all the nautical surveys made under the order of the Government had been brought to a conclusion, and wished to know if Admiral Beaufort's maps were to be brought within the reach of the public generally in point of price? Seeing the right hon. Gentleman the President of the Board of Trade in his place, he wished to ask him what was the result of an inquiry which had been made last year in the Baltic, in reference to a vessel of very considerable value that had run on a shoal at a place where there was no shoal marked in the map? The Government had sent a very able naval officer to ascertain how the accident had happened, and he wished to know the result. If he were correctly informed, the captain on board the vessel had no notice of the shoal, the map being incorrect, though the proper Admiralty map did give it.

Mr. LABOUCHERE could not immediately call to mind the facts of that case, but he was ready to admit that in many instances their merchant vessels were very inadequately provided with maps.

Mr. HUME said, the question was whether, without trenching on the private property of map makers, some means could be taken, whereby persons having maps should produce them to the hydrographer, by whom, if correct, they would be stamped.

Sir F. BARING was understood to say that the matter would receive attention.

Mr. HUME begged also to call attention to a speech made by Captain Ross, at the Geographical Society, at Bombay, in which he stated that three ships of war had been lost, in consequence of not having proper maps on board. It appeared that the scales drawn for the East India Company and for the Government were different, and that no trouble had been taken to bring them together, or to make the surveys of India valuable. They knew the East India Company at great expense had surveys made, but unfortunately they had not the charts all engraved, and it became a matter of consequence that it should be carried out by the Company or by the Government.

Mr. WYLD thought it was a matter of much importance to the merchant service that the charts should be speedily produced. They were now covering the seas of the world with their steam-ships, and therefore the production of the charts was more necessary. In slow-sailing vessels they could ascertain the depth of water, but with the swift sailing of the steam vessels that could not be so easily done, and accidents were more likely to happen. He hoped, with the improvements now taking place, the right hon. Gentleman would take into serious consideration the necessity of making one uniform scale, and publishing the charts, that they might be made available for the general merchant service. He would also call the right hon. Gentleman's attention to the surveys of the Eastern seas, and hoped, as it was intended to extend their steam navigation to that part of the world, the Government would pay attention to them.

Sir F. T. BARING assured the hon. Member that no one was more anxious than himself to give efficiency to the map department of the Admiralty. The delay he believed arose from the great care and attention paid by the Government officer to those charts. He should be very glad to do all in his power to expedite the publication of the charts, and any suggestion which the hon. Member could offer to further this end would be willingly attended to.

Vote agreed to; as were Votes—

(14.) 135,826*l.*, Establishments at Home.

(15.) 23,713*l.*, Establishments Abroad.

On Vote 16, Motion made, and Question proposed—

> "That a sum, not exceeding 689,971*l.*, be granted to Her Majesty, to defray the charge of Wages to Artificers, Labourers, and others, employed in Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1851."

Mr. HUME said, that the Committee upstairs had pointed attention to the enormous increase of those establishments beyond any possible want of the service. When the expenses were considered, they ought to produce twice as many ships as were required, and, consequently, there was a large portion of labour wasted, and he thought that was unsatisfactory, particularly at a time when they had so many ships lying by rotting. He regretted that he had not got the return for which he moved of the number of ships that were built and were rotting, never having gone to sea. For a number of years they lay by, and yet they were building more ships of the same class, and wasting materials.

Sir H. WILLOUGHBY understood that it had been the practice in the dockyard to charge the repairs of one ship to another. For instance, suppose repairs were to be made in the *Vanguard*, the *Brilliant*, and other ships, when the repairs for any vessel amounted to a large sum, it was the practice to carry the repairs of one ship to another; so it was impossible to ascertain the expense of any given ship. He wished to know whether it was in the power of the right hon. Gentleman the First Lord of the Admiralty to give the account for the repairs of a particular ship—take, for instance, the *Vanguard*. The question was of importance, for the practice would lead to a fraudulent system of accounts.

Sir F. T. BARING said, it was in the power of the Admiralty to give the information with respect to any individual ship, but the hon. Member must not ask for the expenditure under this head of every ship in the Navy. He was not aware that the practice alluded to existed in any of the dockyards, and certainly any officer who should be found guilty of such tricks, would, if continued in his situation, receive the severe censure of the Admiralty. The charge was rather a serious one; but, for himself, he could not give credence to any such supposition. In answer to the hon. Member for Montrose, he would observe, that this vote had been reduced 75,000*l.* this year, in addition to a very large reduction last year, which he thought on the whole was not to be despised.

Sir H. WILLOUGHBY said, the right hon. Gentleman had misunderstood him. He had made no charge against any individual. He believed that in former times such a practice existed, and he had asked whether it existed still.

Sir F. T. BARING said, his only answer was, that he did not believe it to exist. What happened many years ago, the hon. Baronet might perhaps know, but unfortunately he did not.

Mr. BUCK hoped the right hon. Gentleman at the head of the Admiralty would answer the question of the hon. Gentleman the Member for Montrose, with respect to the return of the number of ships that had been built and were rotting, never having gone to sea.

Sir F. T. BARING said, that the returns would be laid upon the table of the House as soon as they could be obtained.

Mr. S. HERBERT said, that so long as it was necessary to keep up a peace establishment, and no war to call out the ships in reserve, there would of necessity be some ships which must rot without going to sea. The Admiralty might prevent this taking place by sending out every ship in its turn, instead of keeping the same ships at sea for a length of time; but in the end this would be found the more expensive method of the two. His impression was, that they did not let their ships rot half fast enough, and that a great deal too much expense was incurred in repairing ships which ought to be broken up. The number of years which the ships were kept up in the Navy was far greater than was considered at Lloyd's to be the proper term for any ship in class A 1, which was the state in which the Admiralty professed to keep all their ships of war.

Admiral BOWLES believed that too much money was expended in repairing an inferior class of ships, and thus keeping up the inferiority of our Navy.

Mr. HUME said, that during the last twenty years 229 ships had been broken up, one half of which were better than the new ones which had been built, for they had not been built by the Surveyor of the Navy. At present we had a fleet of 400 sail, and he saw no use in building 400 sail more until they were actually required. The number of ships which had been launched from Her Majesty's dockyards from the 31st of March, 1828, to the end of the year 1848, had been 264, with a burden of 220,404 tons, at a cost of not less than 4,840,000*l.* From private yards, 44 ships had been launched with a tonnage of 19,000 tons, and at a cost of 328,000*l.*, making a total of 308 ships launched, with a burden of 239,000 tons, and built at a cost of 5,168,000*l.* We had now more materials and more ships on hand than we could dispose of for the next 15 years. What necessity was there therefore for this shameful extravagance? It was enough to drive one almost mad to see such extravagance. According to a report made in 1848, there were then 59 ships lying rotting which had never been at sea, and yet new ships of the same class had been launched. In 1848 there were 443 vessels, of which 235 were in commission; and, on the 1st of April, 1849, there were in course of building 67 new ships, while of the 37 launched in 1828, not one had been to sea. It was a fact that 41 men would build a 74-gun ship in one year, and the number of men at present employed would, if properly employed, build the whole Navy in two or three years.

Sir F. T. BARING said, as the hon. Gentleman had given notice of a Motion to reduce the vote for stores, it would probably be better to defer any discussion upon the question of the Navy, generally, till then. He hoped the House would allow the two votes before it to pass, and he would go no further that night. But with regard to statements that had been made in that House and elsewhere, as to the number of ships broken up, and their state of efficiency, he wished to make one or two observations. The average age of ships that had been broken up was 37 years, so they certainly could not be considered very young. They had sold 18, the average age of which was 37 1-3 years. Of vessels taken from the enemy 24 had been broken up, whilst the average age, since the date of their capture, was 26 years, and 26 ships had been sold, the average of which was 20 1-3 years. Now, with regard to the *Canopus* and *Implacable*, which had been so frequently cited as being better ships to repair than the new ones they were building, he wished to say, that beginning with the repairs of 1805, and ending with 1847, the cost of the *Canopus's* repairs was 135,293*l.* The *Implacable*, captured at the same period, cost in repairs 109,912*l.*; so that for the repairs of those two ships four new vessels might have been built, independently of the sums paid for their capture. Now, when it was stated that they ought not to break up or build new ships, he thought it necessary that that statement should be made. With regard to the number of ships built since 1828, he would ask the hon. Gentleman whether it was practicable to turn old sailing ships into new steam ships, and it should be borne in mind that a new element—that of steam, had been recently called into action in naval warfare. If the steamers were deducted, the numbers built would not appear at all large.

Mr. HUME said, that what he complained of was the waste which had taken place in endeavouring to convert old sailing ships into steam vessels. He wished to have a return of the number of vessels launched, distinguishing steamers from sailing vessels; and when that return was produced, he was sure that it would prove that there had been no occasion to lay out more than a million of money in this way, instead of the five millions and upwards which had been expended. He observed a charge of 10,000*l.* for training and exercising the dockyard artificers, thereby spoiling good carpenters, and making bad soldiers. Instead of going about like plain workmen they were all cock-a-hoop, with their epaulettes and uniform, and as he thought this was of no use, he should take the sense of the Committee on that vote.

Mr. FITZROY had heard it stated on all sides that these men were now in a state of great efficiency, and he trusted that no such reduction would be made.

Sir F. T. BARING said, that the hon. Member for Montrose must recollect, that when these artificers were called out, considerable alarm prevailed in the country. The expenditure occasioned by training them had at first been considerable, but it was now materially reduced. Now, that they were properly organised, a small sum of money would be sufficient to keep them in their present state of efficiency. Though we were at peace now, that might not always be the case, and we ought to be prepared for an emergency.

Mr. THORNELY wished to know whether the old system of telegraphing was still resorted to, as there was an unsightly pole at the top of the Admiralty, which led him to infer that the electric telegraph was not always employed.

Sir F. T. BARING replied that the old system was done away with, and that the Admiralty were selling the old telegraphs as fast as they could.

After some further conversation,

The Committee divided: — Ayes 15; Noes 66: Majority 51.

List of the Ayes.

Brotherton, J.
Duncan, G.
Ellis, J.
Greene, J.
Henry, A.
Kershaw, J.
King, Hon. P. J. L.
Lennard, T. B.
Mullings, J. R.
Pilkington, J.
Plowden, W. H. C.
Salwey, Col.
Smith, J. B.
Stuart, Lord D.
Thompson, Col.

TELLERS.

Hume, J.
Cobden, R.

Original Question put, and agreed to; as was Vote 17: 36,985*l.*, Wages, Artificers abroad.

House resumed.

Resolutions to be reported To-morrow.

Committee to sit again on Wednesday.

STAMP DUTIES BILL.

Order for Second Reading read.

Mr. HAYTER hoped the House would consent to his proposal, that this Bill should be read a second time and committed *pro formâ*, so that he might have an opportunity of introducing a number of Amendments into it. When this was done, the Bill should be reprinted.

Mr. MULLINGS observed that this Bill proposed to make a vast variety of alterations. They had been told that the Bill would make a considerable reduction in the stamp duties; but he was satisfied that it would lead to a great increase. He was satisfied, instead of its leading to a reduction of 300,000*l.* in the revenue of the stamps, it would produce an increase of a million.

Mr. HAYTER should be happy to receive any suggestions from the hon. Gentleman as to what he considered the objectionable parts of the Bill, and he could assure him they should receive every attention.

Mr. MOFFATT wished to know what was the nature of the Amendments which were now proposed. He thought it only reasonable that the House should have some explanation on the subject. One of the chief objections to the Bill was, that it proposed to place a stamp duty on many transactions where it had never been charged before.

Mr. HAYTER said, it was intended by the general principle of the Bill not to touch any property but that which was now subject to a stamp duty.

Bill read, and committed 2°, for To-morrow.

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Tuesday, April 9, 1850.

Minutes.] Public Bills.—1° Securities for Advances (Ireland).
2° Charitable Trusts.
3° Brick Duties.

DUNDEE AND PERTH AND ABERDEEN RAILWAY JUNCTION, DUNDEE AND ARBROATH, AND DUNDEE AND NEWTYLE RAILWAYS BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. SPOONER opposed the Bill, and cautioned the House how it interfered in a matter that should be made subject of investigation in a court of equity. He was not going to enter into the details of the measure, but his attention being called to it, he found it his duty to oppose the further progress of the Bill; and he therefore begged to move that it be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. BROTHERTON said, he had no connexion with the Bill; but he thought no bargain could be fair that was founded on gross injustice.

MR. DUNCAN said, that in February, 1847, the leasing powers were taken, though the seal of the company was not attached to the agreement until the month of October following, after full investigation. The second agreement entered into was with the Dundee and Arbroath line, and which agreement was sanctioned by the proprietors. As to the matter being a good or bad bargain he knew not, as he had not a shilling interest in the line; yet he could not but think the House would pause before allowing a Bill to be thrown out without full investigation.

MR. T. EGERTON considered that House was not the place where agreements between railway or other companies should be entertained. If the agreement were good, a court of law was the place to decide the question. He, therefore, trusted the House would not establish a precedent by entertaining the present question.

COLONEL THOMPSON said, repudiation was an awkward sound, and he was not aware that the House was obliged to support parties because they had repudiated. Another point he must resist, was the doctrine that the House ought not to interfere in railway proceedings. On the contrary, he believed, that not a sparrow fell to the ground in railway matters, for which this House was not held responsible whether for good or evil. It was clear that time was wanted for further knowledge, and therefore it would be better not to reject the Bill in its present stage.

MR. ANSTEY thought the House already over-wrought with questions of the kind; and they, therefore, should be careful of assuming a power that did not belong to them. A court of law was the proper tribunal before which to bring the matter; and he would, therefore, vote against the second reading of the Bill.

MR. CHRISTOPER suggested that the Bill be referred to the consideration of the railway department of the Board of Trade.

MR. HUME thought a Committee upstairs the most fitting tribunal to investigate the matter.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 39; Noes 79: Majority 40.

Main Question, as amended, put, and agreed to.

Bill to be read 2° on this day six months.

WINDOW TAX.

VISCOUNT DUNCAN, after presenting several petitions praying for the repeal of the window tax, said, he did not think it was necessary to make any long apology for having again brought this subject before the House. The first time he brought it forward was in 1845, when the right hon. Baronet the Member for Tamworth was at the head of the Government, when he moved for the appointment of a Committee of Inquiry into the window tax, before which, had it been granted, a great exposure would have taken place. He, however, had no reason to regret having brought forward the subject, as the right hon. Baronet said that he might, perhaps, be prepared to take the matter into consideration at some future time. The second time he brought the subject forward was in 1848, which was a season of great depression. At that time the noble Lord the Member for the city of London was the First Minister of the Crown, and he did not regret having made his Motion on that occasion, as the noble Lord admitted that, so as far as any argument could be adduced, it was all in favour of the Motion, and that he only regretted that the deficiency in the finances of the country would not at that time permit the relief he (Viscount Duncan) was anxious to obtain. The noble Lord at the head of the Government had, previous to his (Viscount Duncan) making his Motion in 1848, brought forward a measure to increase the income tax to five per cent, but that proposition was not carried in that House; if it had been carried, there would evidently now have been a very great surplus in the revenue of the country; and if the repeal of the window tax had then taken place, it appeared that the country might with safety have even at that time been relieved from this burden. At present there was no proposition for a five per cent property tax, nor was there any expectation of a foreign invasion; on the contrary, they were assured in the Speech from the Throne, that Her Majesty continued "in peace and amity with all foreign Powers." But there was another passage in the same Speech to which he wished more immediately to call the attention of the House. He regretted that the task was left to him of calling the attention of the House to those passages, for he had hoped that the noble Lord at the head of the Government, and the right hon. Baronet the Chancellor of the Exchequer, had been prepared to act upon the suggestions contained in the Speech from the Throne. The other paragraph to which he referred was as follows :—

> "Her Majesty has learnt with satisfaction that the measures which have been already passed for the promotion of the public health, are in a course of gradual adoption; and Her Majesty trusts that both in the metropolis, and in various parts of the United Kingdom, you will be enabled to make further progress, in the removal of evils which affect the health and well-being of Her subjects."

Encouraged by the gracious promises set forth so prominently in this Speech of Her Majesty, he regretted that it should fall to his lot to bring forward this Motion; but he did so with the full conviction that the repeal of the window tax was one of the most favourable measures that could be adopted for the promotion of sanitary reform. He was further encouraged to bring it forward at the present time, so far as the condition of the finances was concerned, which was most flourishing, more especially considering that there had been a reduction in the estimates to the amount of nearly a million, as compared with those of last year. He was also encouraged to do so by the tone of the discussion on the reduction of the duty on bricks. His right hon. Friend the Chancellor of the Exchequer proposed to remove the duty on bricks, and to reduce the stamp duties. Now, he did not wish to depreciate the measures of his right hon. Friend; but if the Chancellor of the Exchequer was rich enough to reduce the duties on bricks and stamps, which were taxes on articles of luxury, he was surely rich enough, at least to reduce, if he could not entirely take off, the present tax on air and light which are articles of prime necessity. He believed that there was great prosperity in all the branches of our manufacturing interests, with one exception, and that was the glass trade—in which the depression, he conceived, was mainly attributable to the window duties. He had received on this subject communications from two most respectable persons connected with this trade: one of them, Mr. Swinburne, of South Shields, a gentleman of no small authority on the subject, had written to say that—

> "The repeal of the window tax would be a very great boon to the window-glass trade, which is at present in a state of severe and unexampled depression. The oldest house in the trade, lately carried on by Sir Matthew White Ridley and his partners, has been closed for two years."

And again—

> "It is understood in the trade that no house has escaped a very large loss of capital for two years past."

Mr. Hartley, who was also a great authority in the glass trade, was of a similar opinion, and in the glass trade circular of the Window Glass Works, he found the following statement by him :—

> "The supply has greatly exceeded the demand, and consequently large stocks have accumulated, with the almost impossibility of effecting sales in the usual manner. This increased supply has arisen from very exaggerated notions having gained credence as to the effect of the repeal of the duty; from the speculative joint-stock mania of 1845-6; and, in no small degree, from the 'poetry' of Sir Robert Peel, who sought to persuade the public that, the duty being once repealed, everything would be made of glass. What was the result? Previous to the repeal of the duty there were 13 window-glass (crown and sheet) manufactories in the united kingdom, all working short time. On that measure taking effect, these were placed on full time, and also considerably enlarged; in addition to which, 11 other manufactories were established, making a total of 24—increasing the supply 300 per cent, while the increased demand did not exceed 25 per cent, except for a very limited time, until parties had replaced their stocks. Glass has consequently gone down to the cost price at the most economical manufactories, at which rates 11 have been suspended at an estimated loss of 250,000*l.*"

He believed that it would be a great boon to the glass trade to adopt his Motion. But in looking at this subject, they were bound, in the first place, to consider the policy of levying a duty on windows at all; and he trusted, when his right hon. Friend the Chancellor of the Exchequer rose to defend his case, that he would explain to the House the reasons for adhering to the scale under which the window duties were levied. At present, when there were less than eight windows in a house, no duty was paid. Above this number the charge was 18*s.* 1*d.*, at one jump making a house with eight windows pay for every opening in it made to admit air and light; then the charge mounted gradually up, until it came to the number of thirty-nine, when the charge per annum for a house with that number o windows was about 14*l.* 16*s.* 2*d.*, or about 7*s.* 7*d.* per window. The scale then gradually began to descend from forty to forty-four, then to forty-nine, and so on, until they came to houses with a very large number of windows, when the charge was only 5*s.* each, and it continued to fall very rapidly on each increase in the number of windows. He did not think this could be satisfactorily explained. If the window tax of Great Britain was to be retained, it would be better and wiser to levy the same amount fairly and impartially on every window in the kingdom, instead of by the present sliding scale, which pressed most unequally on the occupiers of the lower classes of houses. He held in his hand a list of certain houses in the metropolis on which the various charges were made for this tax under the present scale, and he was sure no one could look at it without being struck with the statements contained in it. In the smaller houses in the metropolis, for instance in Baker-street, the window tax amounted to not less than from 29 to 30 per cent upon the rental. In many other streets which were composed of smaller houses, the window tax was found to press most unequally, to the extent sometimes of 30 or 40, and occasionally even of 50 per cent on the rentals as ascertained by the rate book. When they came to Oxford-street, however, in which there were very large houses, the window tax, instead of being 29 per cent, did not amount, in many instances, to more than 5 per cent on the rental. If this tax on air and light was to be persevered in, steps should be taken to make it press more equally on different classes of houses. In 1708 there were no less than 508,516 houses chargeable to the window tax; in 1784 the number had declined to 495,400; and in 1849 it had further decreased to 473,000. Comparing the present time with 1708, and considering the immense increase which has taken place in the population, he could not help being struck with the small number of houses now chargeable to the window tax. Although the number of houses in Great Britain had increased from 1,000,000 to 3,600,000, the number of houses chargeable to the window tax had actually diminished. How was this to be accounted for? It was partly accounted for by the unfortunate inhabitants of houses being obliged to build up their windows to evade the tax. Another reason to which he wished particularly to call the attention of his right hon. Friend the Chancellor of the Exchequer, was the number of exemptions which were allowed. The list of exemptions to this tax was perfectly frightful, and each succeeding Chancellor of the Exchequer had apparently made a new one. The first exemption to this tax was Ireland. He found that the Irish Members of Parliament in 1823 came down and pressed on the Chancellor of the Exchequer of that day that Ireland was too poor any longer to pay the window tax. The public offices were also exempt. Then they came to farmhouses of less than 200*l.* a year rent. Why should this be allowed? He could not see any reason why a farmer paying 200*l.* a year rent should be any more exempt from this tax than the inhabitant of a town paying less than 200*l.* a year rent for his house. The next exemption was churches and other places of religious worship. Then the windows in factories were exempt from duty. He thought this was most unjust. When a manufactory was carried on on a large scale, the owner of it was exempt from this tax; but a poor man who worked at home, and obtained light in a small room at the top of a house, was obliged to pay the tax. Thus, a poor man working on his own account might have to pay to the extent of upwards of seven shillings for each window, and he could not see why the holders of large property in factories should be exempted. Again, shop windows and counting houses were also exempt; in short, there was no end to the exemptions under the operation of this tax. Surely the reason for exempting one, held good for exempting all; but if his right hon. Friend would persist in keeping up the window tax, he should remove all these exemptions and make all occupiers of houses pay. With regard to the window tax, however, he must remark that it was so vicious in principle, that no modification could possibly make it supportable or even tolerable. The window tax had been condemned by many of those writers on financial reform who justly had the greatest weight and authority in that House. Adam Smith said of it—

> "The principal objection to such taxes is their inequality—an inequality of the worst kind—as they must frequently fall much heavier upon the poor than upon the rich. A house of 10*l.* rent in the country may have more windows than a house of 500*l.* rent in London, and though the inhabitant of the former is likely to be much poorer than that of the latter, yet so far as his contribution to the State is regulated by the window tax, he must contribute more than the former. These taxes militate against the great principle, that every man should be made to contribute to the wants of the State as nearly as possible in proportion to his means."

Mr. Hume—he did not mean his hon. Friend the Member for Montrose—also condemned this tax. He said—

> "In general all poll taxes, even when they are not arbitrary, which they generally are, may be esteemed dangerous, because it is so easy for the Minister to add a gradual percentage to the sum chargeable, until the taxes become altogether oppressive and intolerable."

The window tax, when first laid on, was not intended as a window tax, but as a property tax, as a house was considered a safe criterion of the value of a man's property, and the windows were only assumed as the index of the value of the houses. In 1696, when the tax was first imposed, it was laid on in the shape of a house tax—2*s.* on each house, 4*s.* additional on houses with 10 windows, and 20*s.* on houses with 20 windows. Such was the origin of the tax. In 1710 complaints arose from a slight addition having been made to this tax, on which occasion Mr. Henry Reid, a comptroller of the Tax Office, noted for his great diligence and attentive accuracy, reported to the Treasury that "it became an universal practice to stop up lights;" and for some years both the old and the new duties suffered much from that cause, as there was no penalty at that time for stopping up windows. In 1747 the tax was again gradually augmented; Mr. Reid again remonstrated with the Treasury as to the operation of the window tax, owing to the increasing practice of stopping up windows to evade the duty. In consequence, the 20th Geo. II., c. 3, was passed, which recites—

> "That whereas it has been found from experience, that the duties granted by former Acts of Parliament have been greatly lessened by means of persons frequently stopping up windows in their dwelling houses, in order to evade payment."

In the 20th Geo. II., c. 3, penalties still in force were inserted regulating the blocking of windows by Act of Parliament. Shortly afterwards an explanatory Act passed, which for a time made a partial increase in the tax; but other modes of evading the window tax were soon found out, and the duties decreased year after year. In 1784, Mr. Pitt brought forward a measure for the increase of the window tax, and stated that he did so with the view of commuting the tax upon tea. In 1797, and again in 1802, Mr. Pitt augmented the window tax, under the plea of its being necessary to diminish the income tax. They now came to later times. In consequence of the unpopularity of this tax at the close of the war, it was found necessary to reduce it one-half in 1825. In 1834, Lord Althorp being Chancellor of the Exchequer, and having a surplus revenue, was much pressed by parties out of doors to do something with respect to the house and window tax. Lord Althorp acting with precipitation on that occasion made a great financial blunder, for he took the house tax off, and left the duty on windows, totally forgetting, in his haste, that the number of windows in a house was originally only taken as the index of the value of the property. At that time his hon. Friend the Member for Montrose, if he recollected right, pressed Lord Althorp to give some relief to those who paid the tax on windows, which he promised to do. Lord Althorp in the following week brought in a Bill to enable persons to open any number of windows in houses without any additional charge. In the course of its going through Committee, it was suggested by some hon. Member that the words "being duly assessed" should be inserted, which suggestion was in an evil hour agreed to. In the period which immediately followed, persons availed themselves of this supposed privilege, and nothing was heard in the shape of complaint. But in 1841, when the right hon. Baronet the present First Lord of the Admiralty was Chancellor of the Exchequer, he found himself involved in great financial difficulties, and brought forward a measure which, however, did not fulfil the object he had in view, to add ten per cent to the assessed taxes. It was then found out at Somerset House, that those who had availed themselves of Lord Althorp's Bill were not duly assessed, and the result was great activity on the part of the officers in a reassessment, and a great number of persons who had opened additional windows under the promises of Lord Althorp found themselves in the grasp of the right hon. Member for Portsmouth. Nothing appeared to him to be a greater violation of public faith than the adoption of this reassessment. With regard to cases of individual oppression, hon. Members would find in the library upstairs four folio volumes containing a vast number of cases of the kind; which showed that although parties had been duly assessed, they could not escape oppression when the screw was put on for the purpose of augmenting the amount of this tax. To prove this, he would state that the window tax in 1840 was 1,350,900*l.*, while in 1841 it amounted to 1,613,308*l.*, showing an increase of nearly 300,000*l.* in one year. On comparing the amount paid for this tax in 1842, with that paid in 1848, he found in the former year the amount was 1,664,053*l.*, while that in the latter was 1,663,824*l.*; thus showing that this tax had remained nearly stationary, notwithstanding that buildings have been rapidly increasing in London and elsewhere since the former period. The truth was that builders now erected houses in such a way as to evade the operation of the tax. Every hole in a wall was or might be charged as a window, and he challenged the Chancellor of the Exchequer in his reply to inform the public what a window really was. One gentleman was charged with the window duty, who made a hole through which his coals were shot; another who made a hole, for the purpose of ventilation, had in consequence to pay an additional percentage on every window in his house. If a man took a brick out of the wall of his house, he would occasion an increased assessment in every window in his house. If any one compared the state of the houses in Great Britain with those in foreign towns, he must be struck at the great number of windows in them over those to be found in houses in England. Those hon. Members who had visited the Continent must be fully aware of the great value of additional light and air in the habitations of the poorer classes, and he called upon them therefore to support his Motion. It was an old observation that every Englishman's house was his castle. He did not understand how it could be so, for he had no right to prevent the window peepers, as they were called, invading his dwelling at all times and seasons, when they were sent to prevent him from increasing the number of windows in his house. The true cause of comparison, he supposed, was, that the English houses were built like the castles of old, namely, dark habitations, with as few windows as possible. The reassessment ordered in 1841 had not been without its fruits. It was said that it had brought many things to light; and this was certainly true, even to the extent of showing the natural deformity and moral turpitude of the tax. It was a remarkable coincidence that in 1842, the very year after the reassessment, great agitation arose as to sanitary reform. In that year the Marquess of Normanby, now the English Ambassador in Paris, stated in the House of Lords that the number of deaths in London from want of sanitary regulations amounted to from 100 to 125 a day, and he urged the Government to bring in a Bill to remedy the evils of which he complained, and he especially called attention to the evils of defective ventilation. On that occasion he observed—

> "Leave to the air its free and unrestrained course — put no impediment upon its buoyant natural action; but, on the other hand, guide and direct on scientific principles, and by mechanical aid, the course of water. And by such means and in such proportion will you mitigate 'those ills which flesh is heir to.'"

In another part of his speech the noble Marquess said, the negro huts in the West Indies were superior to many of the houses in the neighbourhood in which they were then assembled. That was the time when sanitary reform began first to make its way in Parliament. Shortly afterwards, a number of parties were sent down as commissioners to the various towns in England to investigate the condition of the habitations of the poorer classes. At that time there were no sanitary proceedings before the Legislature; but all the evidence then taken, including that of Mr. Hickson, Mr. Mills, and Dr. Southwood Smith, tended to establish the fact that the effect of the window tax was to render the abodes of the people dangerous to health, and that the blocking up of numerous windows to avoid the tax had been the primary cause of much sickness and mortality. Now, he should have expected that after these gentlemen had discovered that the effect of bad legislation had been to introduce cholera and fever into many of the towns of England, some recommendation about the window tax would have been found in some of the voluminous reports emanating from Gwydyr House. But the Commissioners for Inquiring into the State of Large Towns and

Populous Districts had preserved a most religious silence on that head in the reports appended to the evidence; and the cause of sanitary reform in their hands, owing to their having abstained from making any reference to that important item, had, he feared, become somewhat unpopular. It appeared that, although those commissioners in 1844 were aware that the evils which afflicted the large towns and populous districts were attributable to the legislation of that House, they were anxious to escape from bringing this particular question forward for discussion. However, in 1846 an association was formed by Royal Charter, for improving the dwellings of the working classes in the metropolis. The Marquess of Normanby was not the only one who took up the subject. The noble Lord the Member for Plymouth—who had lately been very much occupied with sewerage reform, in connexion with a body of which it might be said that they had been more active in raising expectation than in anything else—delivered a lecture to his constituents, on the 10th of December, 1845. The noble Lord published his lecture; he (Viscount Duncan) was much indebted to him for having sent him a copy of it, and he had been much pleased to find that the noble Lord took the same view of the subject as he did himself. The noble Lord, on that occasion, spoke as follows:—

> "Before I leave this part of the subject, I will just mention that light, which plays an important part with regard to animal and vegetable life—for plants, we know, die or lose their colour in the dark, and tadpoles remain tadpoles all their lives, without changing into frogs—has also an effect, though not as marked a one, on mankind. Dr. Wylie says that there is a difference of three to one between the sickness among the soldiers on the light and dark sides of the barracks of St. Petersburg; and Mr. Toynbee, Dupuytren, Dr. Edwardes, Mr. Ward, and Dr. Arnott, distinctly assert that living in darkness acts very disadvantageously on health, especially in the case of children. I could multiply medical evidence and statistical proof about the cause predisposing to disease, and favouring its extension, if not generating it, to an indefinite extent. The reports of the Health of Towns Commissioners, the works of the able and benevolent Mr. Chadwick, those of Mr. Combe, Mr. Quetelet, Professor Alison, and the *Journal of the Statistical Society*, abound with them."

And the noble Lord went even further than that, for he recommended to them a remedy adopted by himself. The noble Lord said—

> "I will mention one plan which I have adopted myself in building cottages on the estate which I have the management of—namely, the introduction of some air from the outside, through a pipe taken into an iron box at the back of the kitchen fire, whence it is conducted by another tube, carried up the corner of the chimney, into the bedroom above. In this manner a constant supply of warmed fresh air is furnished to the sleeping-room through a screen of wire gauze, which diffuses it without a draught."

And in another place he approves of—

> "the practice of ventilation at all seasons of the year, by opening the doors and windows the first thing in the morning, and thoroughly airing the bedclothes for a short time before retiring to rest—the introduction into the windows of a perforated zinc plate, or other cheap and effectual means of admitting fresh air, without occasioning too much draft—and leaving the chimney open."

Such was the advice given by the noble Lord to his constituents in a lecture. But what had this recommendation led to? An unfortunate gentleman of the name of Williams, in an evil hour, was induced to follow the noble Lord's advice. What was the consequence? Mr. Williams shortly after appeared as defendant appealing against the surcharge of 6*l.* 17*s.* 2*d.* which had been made upon him by the assessor of the district, for having opened some extra windows; and it was determined by the Judges of the land that these plates of perforated zinc were windows, and this unfortunate gentleman had to pay for twenty-five windows instead of twenty-one. That had been a lesson to the rest of the inhabitants of the country, and to the constituents of the noble Lord himself, and every prudent man would be cautious in future how he endeavoured to admit extra air into his house, through perforated plates of zinc. There had been a correspondence between the Carpenters' Society of the city of London and the right hon. Gentleman the Member for Cambridge University, who was at the time Chancellor of the Exchequer, in which a proposal had been made, but which had been peremptorily rejected, to exempt from taxation, on sanitary grounds, all unglazed openings in basement stories and closets to admit light and air; and the president of the society was told that if a hole could be made that would admit air without admitting light, that hole would not be chargeable as a window. He must beg leave to trouble the House with an extract from the correspondence between the Commissioners of Stamps and Taxes, and the president of the Master Carpenters' Society:—

> "At an interview with the Chancellor of the Exchequer, in May, 1844, relative to a modification of the window duties, it was intimated to the

deputation from the Metropolitan Improvement Society, and the Master Carpenters' Society, that 'a frame or frames filled in with perforated zinc panels, although fixed in an external wall, would not be chargeable with the window duties.' The secretary to the Carpenters' Company afterwards addressed a letter to the Chairman of Stamps for the purpose of ascertaining whether such was the case; whereupon he received an answer, stating 'that perforated plates of zinc, or any other material, if so perforated as to afford "light," are chargeable; but not if so perforated as to afford "ventilation only."

In reply to this letter from the Chairman of Stamps a further letter was addressed to that board by Mr. Biers, requesting to be informed whether, as any perforation in any material

—"must let in a portion of light, and if so, will such apertures be chargeable to the window duties; and whether, therefore, lights of whatever construction, glazed or not glazed, placed in privies or water-closets, are free of window duties; and whether apertures, such as lancet light, to ventilate cellars, larders, &c., if protected by perforators, but not glazed, are permitted, without being chargeable to the window duties?"

Mr. Biers was informed by the secretary, in reply to these queries, first—

"That windows or lights are not exempt if the privies or water-closets form part of or communicate with the dwelling-house; secondly, respecting apertures giving light to cellars or larders, &c., they are exempt from duty. The secretary stated he was directed to say that the board declined giving any definite answer to so general a statement; but the Commissioners beg to observe the exemption much depends on the merits of each case."

This was an instance of the way in which people had been treated, when they had taken any step against this monstrously unjust imposition. He was glad that anything he might have wished to say to the House on this matter, had been so much better and more eloquently expressed by many Gentlemen he now saw in the House, that he had only to read to them their own words, in order to substantiate a claim upon their votes in favour of his Motion that evening. In the heat of the excitement for sanitary reform, a Health of Towns Association was formed, and in consequence of the representations urged upon the noble Lord the Member for Falkirk, who was then Chief Commissioner of Woods and Forests, that noble Lord brought in a Bill. The gentlemen composing the Association when the Bill was introduced, took it into their mature consideration. At the head of that Association was the Marquess of Normandy. One of the most influential members was the noble Earl, now Chancellor of the Duchy of Lancaster. There was also the hon. Member for Hertford, now a Lord of the Admiralty; and the right hon. Gentleman the Member for the University of Oxford. In juxtaposition with these sat the right hon. Gentleman the Master of the Mint, and the hon. Under Secretary for the Colonies, by whom, perhaps, the report had been partially drawn up, and a very able report it was. The Committee of that Association thought, in considering remedial measures for the sanitary condition of the country, they could not better promote the object than by a careful consideration of the Earl of Lincoln's Bill, and the Committee stated—

"That there was one measure so intimately connected with sanitary improvement that no sanitary measure could be tolerably complete without it, but which formed no part of the measure of the Earl of Lincoln, inasmuch as it omitted any modification in the mode of assessment of window duties, although a principle of assessment had been pointed out by the adoption of which the revenue would lose nothing, while great facilities would be afforded for the better construction of dwelling-houses, and for the freer admission to them of light and air."

And in another page of the report the Committee state their opinion that—

"The window duties are a tax upon light and air—a tax more vicious in principle and more injurious in practical consequences than a tax upon food."

Further, the Committee said that it was not for the Legislature to

"step in between God and the people, and, by laying a tax upon the light of Heaven and the breath of life, to render them absolutely unattainable by large classes of the population."

He would only occupy the time of the House for a short period by reading small portions of the report of the Committee of the Health of Towns Association. It was most ably drawn up, and expressed the principles he was now advocating with so much more eloquence than he could command, that he trusted some of the right hon. and hon. Gentlemen who had concurred in the drawing up of that report would now gratify the House by reiterating and declaring their adhesion to the sentiments contained in it. The Committee, in one part of their report, said, that—

"In proportion, then, as the window duties exclude light from human dwellings, they tend to deteriorate the population; they interpose a positive and definite obstacle to the full development of the physical constitution, and consequently of the physical strength and vigour of the people."

The Committee went on to show the unequal pressure of the window tax upon the poor and the rich, and that the effects of it had been to make the poor pay quadruple the amount paid by the rich; and they referred to the case of chambers in the inns of court or in the universities, where the total duty was only *3l. 17s.* per annum, or *7s. 8½d.* for each set of four rooms, in a building having the same number of windows, which would render a dwelling-house chargeable with a rate of *15l. 15s. 7d.*, or *1l. 11s. 9d.* for each family occupying the same number of four rooms in that house. Surely those gentlemen who had so generously interested themselves in the improvement of the dwellings of the working classes had been most cruelly used by the Commissioners of Stamps and Taxes. He could not avoid commenting upon the inconsistency of hon. Gentlemen, who had sanctioned and approved such sentiments as he had quoted from the report of the Committee of the Health of Towns Association, of which they were members, supporting the continuance of the window tax, which was in direct contradiction to their recorded opinions. He trusted that some of those hon. and right hon. Gentlemen who concurred in the drawing up of that report would be induced to reiterate those sentiments to which he had listened with such pleasure when they were seated on the Opposition benches. They then proved to mathematical demonstration that, in proportion as the Legislature excluded light and air in the habitation of the people, they deteriorated the population, and prevented the full development of their physical condition. With the strong facts of the case before him he felt that the sanitary reform movement was a pretence and a delusion if this question of the window tax was kept out of it, and if the tax was to be maintained in its operation. As for the salaries of the Sanitary Commissioners he would hand them over to the mercies of the hon. Member for Montrose. But it did appear most strikingly contradictory that on the one hand money should be raised from the people to pay large salaries to sanitary commissioners, by a taxation upon the health of the very class for whose sanitary benefit the commissioners were to act, and which taxation had the direct effect of impeding sanitary proceedings, and the improvement of the houses in which those unfortunate people dwelt. The sum of 100,000*l.* would enable the Chancellor of the Exchequer to do away with taxation upon all houses having fewer than ten windows, and even that would be better than paying the salaries of gentlemen who could do comparatively little towards earning them till the window tax was repealed. The other day a report had been published by Mr. Simon upon the sanitary condition of the city of London. Mr. Simon divided his subject under five heads, one of which was devoted to the number of houses in the City which were permanently unfit for human habitation, and he said—

> "I have to report that there are houses and localities within the City which are irremediably bad—places which the uninterrupted presence of epidemic disease has stamped as absolutely unfit for human habitation: places where drainage and water-supply, indeed, are defective, but where the perfection of these necessaries might exist, in all probability, without giving healthiness to the inhabitants. The prominent evil in the localities referred to is their thorough impossibility of ventilation."

He then went on to say—

> "The inhabitants of open streets can hardly conceive the complicated turnings, the narrow inlets, the close parallels of houses, and the high barriers of light and air, which are the common characteristics of our courts and alleys, and which give an additional noxiousness even to their cesspools and their filth. There are very few who, without personal verification, would credit an account that might be given of the worst of such dwelling places."

In another place he observed—

> "And in most of these localities, in addition to other sanitary errors, there predominates that particular one to which I am now inviting your attention—the absence, namely, of sufficient ventilation."

And he proceeded to remark—

> "As a palliative measure, applicable in many of the least aggravated instances, I may suggest the removal of unnecessary walls which intercept the current of air from place to place; the formation of counter-openings in various blind courts; and, not least, in regard of many houses thus situated, the admission of light and air by additional windows. I cannot pass this portion of the subject without recording my opinion that the operation of the window tax is in direct opposition to the sanitary interests of the people; and I must venture to express my hope that some different method of assessment may presently be adopted, in place of one which presses on the occupier in proportion to the healthiness of his tenement."

Mr. Simon, he believed, had laid that report before the Commissioners of Sewers of the City of London, and had stated his opinion that one great cause which lay at the bottom of the evil was, that tax upon light and air, which he (Viscount Duncan) now asked the House to abolish, and the City commissioners unanimously agreed to a report in which they recorded their opinion in these words:—

"We cannot pass this subject, however, without recording our opinion that the operation of the window tax is directly opposed to the sanitary interests of the population of the City, and that its continuance must in a great degree neutralise the effect of those exertions which your honourable court is making for the purposes of sanitary improvement. We find that it affords inducements to the construction of houses with defective supply of light and air, that it opposes great obstacles to the improvement of such houses as have already been constructed on a faulty principle, and that these circumstances tend to aggravate the frequency and malignity of epidemic diseases, and to increase the mortality of the population."

What, he would ask, was the use of putting a paragraph in the Queen's Speech about sanitary reform if the very tax which stood most in the way of sanitary improvement was to be kept up and maintained? He held in his hand the report of the medical officers of the West London and East London Poor-Law Unions—men who could not be influenced by any political motives, and they called the attention of the honourable Court of Common Council to the subject in a memorial which they presented on hearing that that court was about to discuss the propriety of petitioning Parliament for the abolition of the window tax, and which tax the memorialists pronounced to be most injurious to the health, welfare, property, and industry of the poor, and of the community at large. He would, with the permission of the House, read the following extracts:—

"We beg most respectfully to call the attention of your honourable court to the following extract from a letter sent by the medical officers of the West London union to their board of guardians, November 16, 1848, which letter was afterwards adopted by the whole of us:—'As respects ventilation and light, this curious inquiry cannot come under our hands, but we may be permitted to remark on the strange anomaly that Government should appoint boards of health, and deprive by taxation this first necessary and natural element to its production.' In alluding to the above paragraph, we beg most earnestly to assure your honourable court that in the exercise of our official duties we find daily cause to lament its truth. We can only regard this as a sanitary question, and we believe that we need not occupy much of the valuable time and attention of the court in demonstrating the baneful effects of this tax on the Almighty's first gift for the benefit of his creatures. We find in ancient houses where windows were, and when our ancestors deemed light and ventilation necessary to health, and even existence, bricks supply the place, both to rich and poor; we see also that in the more modern house the proprietor builds with the view to avoid the window tax. In a sanitary point of view, what is, what must be, the result, more especially to the objects of our official duties, in the production of fever, of dysentery, and of diarrhœa, and during the period of cholera, in situations where scanty light and ventilation adds to the already distressing effects of poverty and destitution? . . . . . Experience clearly proves the common truth, that want of light and impurity of air not only produce disease, but aggravate it, and cause death, even where the original mischief had been otherwise produced. . . . . . The late investigation during the prevalence of cholera into cause and effect needs no word from us in confirmation of the facts above described, for all is resolved by the simple question, 'How can health and longevity be promoted when their natural elements can only be obtained at a cost beyond the power of poverty to discharge?' Prior to the actual appearance of the late epidemic amongst us, the Government sent round to all the workhouses to ascertain that light, air, cleanliness, and comfort were sufficiently secured to the inmates, but it seems to have forgotten the distressing fact that light, air, cleanliness, and comfort are as needful to the health and sanitary condition of all classes on the outside of the workhouse as to the infirm, aged, and destitute within. . . . . . We, therefore, earnestly memoralise your honourable court that in a sanitary point of view the court will give this question its most grave consideration, and adopt such measures as the court may in its wisdom think fit."

He challenged hon. Gentlemen to stand forward now, in their places in Parliament, and state truly whether this subject of the window tax had or had not thwarted the exertions they had been making to better the habitations of the people of this country. It would be strange, when so much philanthropy was expressed in the House with respect to the abodes of the poor, if the report of a debate should go forth out of doors by which it should appear that the finances of this great country were at that pass that we could not get on without levying taxes upon light and air. The only way in which this case could be met by the Government and the upholders of the tax was this: he should be told that he was an impracticable person who persisted in calling upon the House to do that which would endanger the payment of the interest on the national debt—or some old argument of that sort. But he was indifferent to such imputations; and if he referred to the proceedings of Government in former years, he thought he could induce the House to concur with him that the shorter they could keep his right hon. Friend the Chancellor of the Exchequer by the head the better. What had been the effect of the broad hint that was given to that right hon. Gentleman, that they would not agree to a five per cent property tax? The effect had been that this very year they had had the pleasure of seeing him come to that House and declare that he was in possession of a large surplus, but at the same time they heard that so much economy had been introduced into every department of the State that it could be carried no further. This same statement about economy, it would be remembered, was made last year; and yet the House had had the pleasure of seeing the estimates for this year 1,000,000*l.* below those of last year. The fact was, that so far as words went, they were all in favour of economy; but the moment some really saving measure was proposed it reminded him of the Council of Beasts:—

> "When saving measures were professed,
> A lamb's head was the wolf's request;
> The fox submitted, if to touch
> A gosling would be deemed too much?"

Each succeeding year down came some Member of each succeeding Government to propose or defend some pet project of extravagance. Only look at the manner in which the taxation was expended. There was the million for the African squadron, for an example; and right hon. Gentlemen had been actually found to tell the House that it was impossible to maintain the national honour without it. But let the House and the country at large thoroughly understand the present expenditure, that if they did not vote that million for that squadron, there would be no necessity for taxing houses having fewer than twenty windows, and that added to the million surplus already in the hands of the Chancellor of the Exchequer would repeal the whole window tax, and enable the people to enjoy light and air in their houses. When he was told that economy had been practised as far as it possibly could be carried, he remembered that he had been told precisely the same thing in 1848, when he had made a Motion on this very subject. Since then he had had the good fortune, or the misfortune, to be Chairman of the Committee upon the Woods and Forests, an establishment which, instead of paying in its whole surplus revenue into the Exchequer, first deducted its own expenses and the cost of collection, paying in only the balance. He would not go into a discussion upon the Woods and Forests, but he could state, without the possibility of contradiction, that out of their income, about 370,000*l.* a year, 210,000*l.* never found its way into the Exchequer at all, but was deducted for collection and all sorts of purposes. If the same system prevailed in other departments similarly circumstanced, he thought that there was room for economy in them instead of resorting to a window tax; and if his hon. Friend Dr. Bowring, who was now consul at Canton, were present, he could show to the Chancellor of the Exchequer good reasons why he was bound to explain how it was that a sum of public money amounting altogether to about five millions a year never found its way into the public Exchequer. Why were the Lords of the Treasury better trustees of the public purse of England than the natural guardians of it—the Commons of England? He held in his hand a report, printed in 1831, to which the highest authority was attached—that was the report of the Commissioners of Public Accounts, among whom were men of the highest reputation in the House, who, after long consideration of the subject reported that—

> "To accomplish with perfect security and efficiency those objects of safe custody, legal appropriation, and record, it is obviously necessary that all public money whatever, should, in the first instance, be paid into the Exchequer. But it appears from the accounts laid before Parliament that the whole amount of public income is not so paid, but that the amounts derived from divers sources of revenue are received and disbursed without the intervention of this institution, or being in any way submitted to its control. It is also certain that considerable sums arising from taxes and other matters are deducted from the gross receipts, and retained and expended by several departments, which only account to the Exchequer for the net amount after such deductions. We think this practice ought to be discontinued, and we recommend the gross receipt of the Crown property under Woods and Forests and other offices should be placed, without deduction, in the Exchequer, and be accounted for to Parliament, whose authority should be necessary for the appropriation of the whole. We feel this principle to be one of paramount importance, a principle which we believe to be a necessary preliminary to all satisfactory financial reform."

He trusted that the right hon. Gentleman the Chancellor of the Exchequer would tell the House what steps had been taken to carry out the recommendations of that Committee. On the 31st May, 1848, a resolution was proposed by Dr. Bowring, and carried by a majority of 56 to 51, that—

> "This House cannot be the effectual guardian of the revenues of the State, unless the whole amount of the taxes, and of various other sources of income received for the public account, be either paid in or accounted for to the Exchequer. That no department of revenue ought to be allowed to stop any portion of its gross receipts in their progress to the Exchequer without the previous authority of Parliament. That no department of expenditure should be permitted to appropriate to the public service any other sums than those sanctioned by previous votes of Parliament, and that all receipts from sales of stores, or other sources, should be paid into the Exchequer. That whereas the expenditure of many departments escape Parliamentary control, either wholly or in part, in

consequence of paying their expenses out of fees or other resources, and of accounting to the Exchequer only for the balances of such receipts; and in other cases of applying to Parliament for grants to make up the deficiency of such fees or other resources, it is necessary, as a check upon abuse, and a security for the proper appropriation of the public moneys, that such receipts should be paid into the Exchequer, and not be disposed of without the preliminary sanction of Parliament. That the amounts thus removed from the direct authority and previous control of Parliament, and which were not paid into the Exchequer, average nearly 7,000,000*l.* sterling per annnm, and that nearly one-eighth of the gross revenues of the nation are disposed of without the interference of Parliament to sanction their application. That such a state of things is most unsatisfactory, and requires the earliest attention of the House of Commons."

He trusted that the right hon. Gentleman the Chancellor of the Exchequer, if he insisted on the absolute necessity of resorting to window taxes, would be able to explain this matter satisfactorily to the House; he was sure there was no intention to conceal anything from the knowledge of the House. He did not deny, however, that he should be much better satisfied on this subject of economy if he saw his hon. Friends proposing that every shilling of the public money should be paid into the Exchequer, not merely placing the public expenditure under the control of the Treasury, but under that of the House of Commons. He had now to thank the House for the kindness and patience with which they had heard him. He trusted that those hon. Gentlemen who had listened to him, before giving their votes, would consider whether economy had been carried to its fullest extent before they consented to raising a revenue on light and air, those elements which had been granted by Divine Providence to the inhabitants of this earth in unlimited abundance, and which he did not think ought to be the province of any Government to endeavour to limit by human enactment. It was their bounden duty, out of deference to the dispensations of One far wiser than they were, to remove restrictions as far as they could upon light and air. Of this he was satisfied, that neither this House nor any House of Commons would allow the public creditor to suffer. If taxes were necessary, those taxes would be raised and willingly voted by hon. Gentlemen hereafter as they had been heretofore; and therefore, with the permission of the House, he begged leave to lay his Resolution on the table. The noble Lord concluded with moving his Resolution.

Motion made, and Question put—

"That whereas the present mode of assessing, levying, and collecting Taxes on air and light in England and Scotland interferes most prejudicially with the health and sanitary condition of the inhabitants of Great Britain, therefore it is expedient that the Window Tax should be repealed."

Sir De L. EVANS seconded the Motion, and was glad to think that the statement of the noble Lord the Member for Bath had been so comprehensive, so able, and so unanswerable. The noble Lord had pointed out a remarkable circumstance as to this tax, that there had scarcely been any augmentation of the revenue—that several exemptions had been made, but that these exemptions did not by any means increase the revenue. There was no means of solving the circumstance except by the fact that hundreds and thousands of houses had been deprived of a portion of light which they would otherwise have enjoyed, and many houses were subsequently built entirely with a view to evade this tax. It was clear that these houses had been limited and restricted in the light they enjoyed in consequence of this tax. Whenever the allowance for these sanitary Commissioners came before the House, he should vote against it. He would not attempt to restrict the amount of taxation to maintain the credit and establishments of the country. He was willing to agree that a substitute should be found, particularly that which had often been mentioned —the probate duty upon real property. Why not put the probate duty upon real property? There would be two objects accomplished in doing so. It would render the duty upon property more equal and more just. There were three distinct objections to the present tax—its inequality, its partiality, and its detriment to the public health. Its inequality—and, he might add, its partiality—was marked: because all farmers throughout the country paying rent under 200*l.* a year were totally exempt. If this tax were a property tax, it was an unequal and unfair property tax. In the poorer districts, particularly the districts of this metropolis, it fell in a ratio of 20 and 30 per cent on lodging-houses. There could be no more obnoxious tax, particularly as regarded the metropolis, and he trusted, that in seeking its repeal they should have the assistance of the right hon. Baronet the Member for Harwich, who was an old supporter of the principle, and who twenty years ago resigned his seat in consequence of his opposition to this tax. If a substitute should be found necessary, the public were prepared to submit to it; and if the tax could not be repealed altogether, they expected, at least, a more extended minimum as regarded the number of windows rateable.

The CHANCELLOR of the EXCHEQUER said, his noble Friend, as he was always accustomed to do, had made a very able speech in favour of the window taxes being repealed, but he had not advanced any new arguments in favour of the proposition. He would not follow his noble Friend into the other topics to which he had referred, for, in discussing the question of repealing the window tax, it certainly would not advance the discussion to refer to the management of the Woods and Forests, or to take into consideration the circumstances which interfered with the general revenue in its passage into the Exchequer. His noble Friend had said, that he (the Chancellor of the Exchequer) had stated two or three years ago that economy in the public service could be carried no further, and yet that since that period considerable reductions had been effected. This statement was founded upon a misapprehension. What he had said on the occasion referred to was, that great reductions could not be effected immediately, and that in order to be executed with due regard to the wants of the service, and to real economy, they must be gradual. He was very far from having alleged that no further reductions could be made; but he repeated that, having due regard to the interests of the country, they must be made gradually. He would, however, say no more upon these extraneous topics. One of the main objections taken to the window tax by his noble Friend appeared to be founded upon the exemptions that were allowed; and he seemed to suppose that the exemptions were actually an aggravation of the burden, because the parties upon whom it pressed unequally had been relieved. But who, he would ask, were the parties relieved? Why, those who carried on the operations of agriculture, manufacture, and trade. Farmhouses, factories, and shops were exempt. It followed, then, that the exemptions were in favour of those who carried on the pursuits of productive industry. His noble Friend, however, complaining of exemptions altogether, had made one proposition which would have the effect of carrying the exemption still further. At present all houses with fewer than eight windows were exempt: his noble Friend suggested that the exemption should extend to all houses with less than twelve windows. This was not removing the exemption of which he complained, but only carrying the principle a little further, without assigning any grounds for the selection of such a number; for if twelve were fixed upon, why should not any other number be equally suitable? Such a proposition would be of no benefit with respect to the description of houses as to which the principal complaint was made, such as the large lodging-houses, many of which had recently been built for the accommodation of the poorer classes. In Scotland, this was the case; also as regarded houses let in parts. His noble Friend was quite wrong in supposing that the amount of loss to the revenue, from an extension to the exemption to houses with less than twelve windows, would amount to only 100,000*l.* Instead of 100,000*l.*, it would be about 250,000*l.* His noble Friend was also mistaken in supposing that this was a tax which fell exclusively upon the poor. The houses which were exempt from the tax, belonged wholly to the poorer classes. There were about 3,500,0000*l.* houses in this country; and of this number 3,000,000 were exempt from the window tax. It was, therefore, rather a strong assertion, when 3,000,000 of houses inhabited by poor people were exempt, and the tax was paid by a half million inhabited by the richer classes, to say that this was a tax imposed upon the poor for the benefit of the rich. His noble Friend referred, in the next place, to the exemption of Ireland from the tax. He wished the House to remember the character of the dwellings in Ireland. Was his noble Friend prepared to assert that, in consequence of the exemption of Ireland from the window tax, the dwellings of the poor there were superior to those in which our own poor lived? If his noble Friend would venture to say that, he would certainly have an argument which it might be found difficult to answer in support of the alleged effects of the window tax in reducing the accommodations of the poor; but he was afraid it would be found not so much the window tax as the general poverty of the poor which interfered with their comforts. In the country, as his noble Friend knew, no window tax was paid upon any houses which, under ordinary circumstances, were the dwellings of poor persons. A cottage, with six windows, was a remarkably good cottage. ["Hear!"] He repeated the statement. A cottage in the country of two rooms down stairs and three up stairs, with six windows, was better than 99 out of 100 cottage houses in England, very few of which had six windows; and even in country towns he found that the general class of houses built for the accommodation of the artisans, did not contain more than six windows. All such dwellings were totally exempt from the window tax; and on this ground he must observe that it was not correct to say the tax bore upon the poor, whilst the rich were exempt. With regard to the metropolis, he was prepared to admit that a reduction of the tax might for a time be of benefit to occupiers; but he believed that in the end it would mainly increase rents, and benefit the owners of house property. At the same time, so far as the case rested upon sanitary considerations, he was willing to believe there was some weight in his noble Friend's argument. But it must be obvious, after the financial statement which he had had the honour of making to the House before the holidays, that it was utterly impossible for the Government to consent to a repeal of this tax without a substitute being found for it. His noble Friend and the hon. and gallant Officer who seconded the Motion, had expressed an opinion that the House would be found ready to vote such a substitute. But he (the Chancellor of the Exchequer) was bound to say he did not feel quite the same confidence in the alacrity of the House to impose new taxes; and therefore he was unwilling to yield the window duty until he had reason to feel a little more security as to its substitute. His noble Friend had expressed some dissatisfaction with the policy of the late Lord Althorp in having removed the house tax rather than the window duty. But his noble Friend must remember that when the question was under discussion, the House preferred retaining the window tax, on the ground that it pressed more on the richer classes, and because large houses paid a small amount of house tax in comparison with the amount of the window tax, which they paid, large country houses paying four or five times as much in window tax as they paid in house tax. He did not agree with his noble Friend in thinking that house property had a claim for exemption from taxation more than any other property, nor did he know that recent legislation had pressed unduly on that description of property. He would also remind his noble Friend that the Sanitary Commission had reported as much against the brick duty as the window tax, although his noble Friend had, on a former day, expressed a wish that that duty might be retained, in order to make room for the remission of the other. The window tax produced about 1,800,000*l.* net annually, and after the remission already conceded this year, it was quite impossible that it could be given up, and therefore he must resist the Motion of his noble Friend.

Lord D. STUART said, that as this question deeply interested that portion of the metropolis which he represented, and as he had presented petitions against the tax signed by 5,000 ratepayers, he was anxious to say a few words before the House went to a division. He believed that there was no tax looked upon with more disfavour by the people of this country than the window tax. It had lasted some years, and its collection had always been attended with clamour and discontent. He thought that his noble Friend who had brought forward this question again and again had done himself infinite honour, and had endeared himself to the people of this country; and, on the other hand, he believed that the Government, in resisting it, would earn their lasting resentment. The last time his noble Friend brought forward the subject was when the noble Lord at the head of the Government introduced his financial statement. The noble Lord entreated the House to accept his budget on account of the then existing distress, promising that if they agreed to raise the income tax to five per cent, distress would be relieved, and in two years or so prosperity would return. It appeared that the noble Lord was perfectly right in his prophecy, for now, at the end of two years there was a considerable surplus, and they wanted to know what taxes were to be removed. The House did not answer to the noble Lord's appeal, they did not vote the budget, but still none of the calamities occurred which the noble Lord had prophesied. The interest on the national debt continued to be paid, and although no increase had been permitted to the income tax, prosperity had returned, and the country now had a surplus. The House was determined not to permit any increase in the income tax, and the result showed that when the House was determined on any point, the Minister contrived to get on without those taxes which he had before deemed so indispensable. In the same way, at the present moment, if the House were determined not to vote this window tax, the Government would soon find some way of getting on as well or better without it. They had now a surplus of one and a half millions, and he wanted to know what taxes were to be remitted. The Chancellor of the Exchequer proposed to remit the duty on bricks, which although a good reduction in itself, would not relieve the country to the same extent as the remission of the window tax. Then there was a proposal about the stamp duties, which he (Lord D. Stuart) believed would be no remission at all; and although the probable loss was fixed at 300,000*l.*, he believed that there would be no loss but an actual increase to the revenue. The Chancellor of the Exchequer had given to their application the common answer of persons in his situation to all applications for reduction of taxation—namely, that want of money prevented his acceding to the proposition. He remembered that on one occasion the Chancellor of the Exchequer said, that if it could be shown that this tax interfered with the health of the people, that would be a good reason for its remission, but that for his part he could not think it had any such operation. Let the right hon. Gentleman look at all the reports on the sanitary question—let him consult all those best able to give an opinion on the subject, and they would one and all say that this tax interfered most injuriously with the health of the people by excluding the amount of light and air necessary for its sustentation. Really to talk of introducing any sanitary measures, to pretend to feel an interest in the health of the people, while a tax of this kind was maintained after it had been proved to be so injurious to the public health, was, in his opinion nothing better than hypocrisy. The right hon. Gentleman the Chancellor of the Exchequer might say that the revenue could not bear it; but he (Lord D. Stuart) wanted to know who was to enforce an impost after it had been found that the people at large had declared against it. He did not think that they ought to be called on to pay it, and he gave his vote to his noble Friend the Member for Bath in the firm persuasion that, although he might be unsuccessful now, the question would be renewed again and again, until Government should be at last obliged to accede to a demand from the great masses of the people.

Sir G. PECHELL mentioned, that in 1835 the then Chancellor of the Exchequer had promised his hon. and gallant Friend the Member for Westminster, if he would withdraw a Motion which he then brought forward upon the window duties, the subject should be taken into consideration. It was high time the subject was taken into consideration, for a more oppressive burden could not be found in the whole catalogue of taxation. He complained that under the provisions of the law, the power of surcharging was a monstrous evil; whilst, according to returns produced in 1846, a considerable number of persons were imprisoned for non-payment of assessed taxes, of which the window duties formed a considerable proportion. Another evil arose from the requirement that no person should be allowed the privilege of a vote in the election of Members for that House who had not paid assessed taxes. This provision, according to the same return, actually disfranchised no less than 694 persons in the parishes of St. George's, Hanover-square, and St. Martin's-in-the-Fields. In whatever light the window duties were viewed, they were an enormous injustice. No Chancellor of the Exchequer had yet been found bold enough to tell the House what a window was; nor was it possible, for the surveyors and the Judges themselves had given very different decisions upon this very nice question. Under such circumstances no person could tell whether he was safe or not. If he made a hole in the wall, he might, or he might not, be liable to duty. Many persons had relied upon Lord Althorp's Act for protection in this respect; but there was not a single person that had opened a window under this Act who had not been surcharged. He contended that the repeal of the duty would have some effect upon the argument for a reduction in the amount of judicial salaries, inasmuch as the amount of judicial labour would, to some extent, be lessened. Twice a year the Judges held courts, at chambers, to decide appeals upon questions relative to assessed taxes. Take away this labour, and of course they would be less worked. Hon. Gentlemen upon the protectionist benches should look at the evils produced by the assessed taxes. In one case which came before the Judges, a party was charged with window duty who rented a farm under 200*l.* a year. The occupier had no other income. The farmer's sister resided with him, and paid her share of the household expenses; and it was held that in consequence of the accommodation afforded to his sister, the farmer's house could not be deemed a farm house. The "farmers' friends" had, therefore, good cause to support the noble Lord's Motion. The borough he had the honour to represent paid 18,000*l.* per annum in window duties. If the tax were removed, the owners of those houses would be able to give their lodgers more light and air; but under existing circumstances they found ths tax a source of great annoyance and vexation, and he could only say that it interfered greatly with sanitary regulations.

Sir B. HALL did not mean to detain the House long from the division for which Gentlemen opposite were so impatient, but he wished to make a few observations on the question before the House; and he would submit it to hon. Gentlemen opposite, whether the constituencies of the great towns, who were deeply interested in this question, would think it respectful to them that a division should be so impatiently called for when their interests were under discussion. With respect to the question before the House, one of the papers had that morning pointedly described the position of an individual Member who had to propose the remission of a tax in that House. If he brought it forward early in the Session, he was told to wait for the financial statement; and if he waited until that statement had been made, he was flatly told that the subject was not included, and, therefore, could not be considered. That was precisely the case with his noble Friend; but, although not likely to succeed on the present occasion, he trusted his noble Friend would take an early opportunity to bring it forward again. Allusion had been made to the Sanitary Commissioners, and their opinions as to the best means of promoting the health of the metropolis and other large towns; but it was perfectly idle to suppose that any essential benefits could be derived from the appointment of such commissions until all such taxes as the present were abolished. His noble Friend the Member for Bath had said, that it was hard upon the inhabitants of Great Britain that they should be subjected to this tax, from which the people of Ireland were exempt; and the Chancellor of the Exchequer had referred to the condition of the houses in Ireland, as showing that the absence of the window tax did not necessarily tend to the improvement of the character of the dwellings of the people; but there was no reason why the same rule should not apply to both countries alike, or that the shopkeeper of Sackville-street, Dublin, should be free from the window duty, while the householder of Sackville-street, London, was compelled to pay it. The right hon. Gentleman the Chancellor of the Exchequer had stated, that a very large number of houses inhabited by the poor were not now liable to this duty, the number of windows not being sufficient to bring them within the operations of the Act; but that proved that the effect of the tax was, as had been stated, to render the dwellings of the poor unwholesome—the light and air necessary to health being excluded by the desire to avoid the liability. It was his opinion—an opinion fortified by medical authority—that the late visitation of the cholera would have been much less fatal in its results had the window tax not existed. During the twenty years that he had held a seat in that House, he had, on every occasion on which the question was brought forward, given his vote in favour of the repeal of this impost; and though the present Motion might possibly be defeated, he hoped his noble Friend would not relax in his efforts, but remember that without steady perseverance Ministers never consented to remove or reduce any tax whatsoever.

Mr. HUME rose amid impatient calls for a division. He hoped hon. Gentlemen who were so anxious for a division would have a little patience. It appeared to him that some explanation was necessary to put the question on a proper footing before hon. Gentlemen proceeded to vote upon it. The question was, whether, supposing the House determined on maintaining the present amount of expenditure, which he was not, this tax ought not to be abolished nevertheless. and a substitute found from some other source? He, however, was one of those who considered the tax might be removed, and the amount met by economy in the public expenditure. Ten years ago the income of the country was 51.000,000*l.* or 52,000,000*l.* a year. It had since been increased by the imposition of the income tax from 57,000,000*l.* to 58,000,000*l.* a year, as he believed unnecessarily, for if the House had refused to increase the taxes, the Government would have found the means of bringing the expenditure within the income. The great point which that House ought to enforce on every Government was the reduction of the total amount of taxation, for until they did so, they would never effect a reduction in the expenditure. The only reason why they had had some reduction in the useless expenditure of the country lately—and it was to this extent only that he desired reduction to go—was that the House had refused to give the Government the means of continuing their extravagance. No thanks were due to Ministers for this. They were obliged to economise in order to keep their places. And if the House now resolved to take 1,600,000*l.* or 1,800,000*l.*, whichever was the correct estimate of the net produce of this tax, from the means of the Chancellor of the Exchequer, depend upon it the right hon. Gentleman would find the way still further to cut down the expenditure so as to make both ends meet. It was clearly, therefore, in the power of the House to benefit the people to that extent. There would be little difficulty in discovering where reduction might be made. The African squadron would have been put down by a vote of the House a few days ago but for the fear of turning out the Government. Let those hon. Gentlemen who were favourable to the abolition of that squadron, as an unwise and useless expenditure, now vote for this Motion, and they would find Ministers coming down in a few days with amended estimates, bringing the expenditure within the revenue. By reducing the African squadron, or putting a stop to those unnecessary works in the Channel Islands, where they were doing little else but throwing gold into the sea, Government would have the means in their hands for affording the relief now asked, and it was the duty of that House to check useless and absurd expenditure by reducing the taxes and keeping the revenue down to the actual requirements of the several public departments. The right hon. Gentleman the Chancellor of the Exchequer was in error in saying that there was no new point in this question since it was last discussed, for we had had since then the visitation of the cholera, and the House was called upon to spend the public money for sanitary reform; and was it not a question, under such circumstances, deserving of consideration, whether they ought to continue a tax which went to deprive the people of that light and air which were absolutely necessary to their health, and prevented the accomplishment of any effective system of sanitary improvement? A petition had been laid on the table of that House from a large portion of the medical practitioners of London, showing the deleterious effects of this tax on the health of the people, and stating that its abolition would tend, by keeping the working classes in health, to lessen the burden of the poor-rates, and add materially to the comforts and happiness of the poor. They had also the evidence of the Sanitary Commissioners as to the injurious tendency of the tax. No sufficient reason for continuing this tax had been stated either on the present or previous occasions. If it was absolutely necessary to maintain the same amount of revenue, each house might be charged, as a house tax, the same amount it now paid for window duty, but leaving the proprietor at liberty to open as many windows as he pleased. But seeing that under proper regulations, by abolishing the African squadron, and practising proper economy in the Ordnance and other public departments, the surplus of 700,000*l.*, which the Chancellor of the Exchequer calculated upon, might be increased to 2,000,000*l.*, he contended there would be no risk in abrogating the tax altogether.

Lord R. GROSVENOR said, that as the House was desirous of going at once to a division, he should detain them only with one or two remarks. He could not, however, go to a vote without expressing his determination to support his noble Friend the Member for Bath whenever he brought this proposition for the repeal of the window duty forward. He must say, after the pretensions of sanitary reform under which his right hon. Friends below him came into office, and their appointing a commission in furtherance of that object, which had strongly recommended the abrogation of this tax, as being absolutely necessary to any effective system of sanitary improvement, their present refusal to mitigate or moderate it in any way, must result in a great loss of character to them. He had received communications from several supporters of the Government, expressing their surprise that, after their professions in favour of sanitary improvement, they should still insist on continuing the tax upon light and air without any alteration or mitigation.

Viscount DUNCAN, in reply, expressed his regret at the silence of the numerous advocates of sanitary reform, now this question, upon which so much depended in regard to the health of the people, was under discussion. The right hon. Gentleman the Chancellor of the Exchequer, when he said that nothing new had been advanced in favour of the Motion, seemed to forget that he had given no answer to the statement he (Viscount Duncan) had made in bringing forward his Motion last year, and which he should bring forward again and again until he succeeded. He must also remind the right hon. Gentleman that the manufacturers, who he said had been benefited by the change which had taken place, were not the poor who were suffering from impure air and want of light in their dwellings. Ministers might depend upon it that the course they were now taking would create distrust in the public mind as to the sincerity of their professions in favour of sanitary reform, and he warned them that when the question of the salaries for the Sanitary Commissioners came before the House, their vote of that evening would not be forgotten.

Question put,

The House divided:—Ayes 77; Noes 80: Majority 3.

List of the AYES.

Aglionby, H. A.
Baillie, H. J.
Baldwin, C. B.
Barnard, E. G.
Berkeley, hon. H. F.
Berkeley, C. L. G
Bouverie, hon. E. P.
Bremridge, R.
Bright, J.
Cabbell, B. B.
Chatterton, Col.
Clay, J.
Clifford, H. M.
Cobden, R.
Codrington, Sir W.
Coles, H. B.
Dashwood, Sir G. H.
Dick, Q.
Divett, E.
Duff, J.
Duncan, G.
Ellis, J.
Evans, Sir D. L.
Evans, J.
Ewart, W.
Fergus, J.
Fordyce, A. D.
Fox, W. J.
Gibson rt. hon. T. M.
Greenall, G.
Greene, J.
Grenfell, C. P.
Grosvenor, Lord R.
Hall, Sir B.
Heald, J.
Henry, A.
Hervey, Lord A.
Heyworth, L.
Hildyard, R. C.
Horsman, E.
Humphery, Ald.
Keating, R.
Kershaw, J.
Lacy, H. C.
Langston, J. H.
Lewisham, Visct.
Loveden, P.
Lushington, C.
Meagher, T.
Moffatt, G.
Morris, D.
Mowatt, F.
Muntz, G. F.
Pearson, C.
Pechell, Sir G. B.
Perfect, R.
Pigott, F.
Plumptre, J. P.
Raphael, A.
Rufford, F.
Salwey, Col.
Sandars, G.
Scholefield, W.
Sidney, Ald.
Smith, J. B.
Stanley, hon. E. H.
Strickland, Sir G.
Stuart, Lord D.
Thicknesse, R. A.
Thompson, Col.
Tollemache, hon. F. J.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R. H.
Wawn, J. T.
Willcox, B. M.
Wood, W. P.

TELLERS.

Duncan, Visct.
Hume, J.

List of the NOES.

Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barrington, Visct.
Beckett, W.
Bellew, R. M.
Bowles, Adm.
Boyle, hon. Col.
Brotherton, J.
Brown, W.
Browne, R. D.
Busfeild, W.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cowper, hon. W. F.
Craig, Sir W. G.
Denison, J. E.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Emlyn, Visct.
Enfield, Visct.
French, F.
Goulburn, rt. hon. H.
Grace, O. D. J.
Grey, rt. hon. Sir G.
Grey, R. W.
Halford, Sir H.
Harris, R.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Heathcoat, J.
Herbert, rt. hon. S.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Howard, Lord E.
Jervis, Sir J.
Lascelles, hon. W. S.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, W.
Lygon, hon. Gen.
Mackie, J.
Mackinnon, W. A.
M'Neill, D.
Maule, rt. hon. F.
Mitchell, T. A.
Morgan, H. K. G.
Napier, J.
Norreys, Lord
Oswald, A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pilkington, J.
Power, N.
Richards, R.
Romilly, Sir J.
Russell, Lord J.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, J. A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Thornely, T.
Towneley, J.
Tufnell, H.
Turner, G. J.
Vane, Lord H.
Villiers, hon. F. W. C.
Wall, C. B.
Walpole, S. H.
Wellesley, Lord C.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Hill, Lord M.
Rich, H.

SECURITIES FOR ADVANCES (IRELAND) BILL.

The SOLICITOR GENERAL rose to move for leave to bring in a Bill to provide more simple and effectual securities for advances to purchasers of incumbered estates in Ireland. In consequence of what had occurred when he moved for leave to introduce this Bill on a former occasion, it would be necessary for him, as concisely as possible, to explain the object of the Government in proposing it. That object had been completely misunderstood by the hon. and gallant Member for Portarlington, when he said that it was to benefit English capitalists. It was, on the contrary, to benefit Irish landed proprietors solely; and if others were benefited, it would be only by means of the benefits conferred on those individuals. The operations under the Incumbered Estates Bill had been so expensive that not less than 658 offers had been made of the sale of estates; and while such a circumstance was undoubtedly a sufficient proof of the necessity which existed for such a measure, it was desirable at the same time to prevent its having an injurious result to the owners of land in Ireland. It was said, that if the Incumbered Estates Commissioners continued to sit, the Court of Chancery in Ireland would have little or nothing to do; but he believed the effect of that Bill had been to take away more than 400 suits from the court, the consequence of which was that the Court of Chancery had been more actively engaged and had done more real and substantial business than for many years before, when it had been blocked up and choked up with this mass of suits which had no operation whatever. It was then to be considered, if this immense amount of estates was to be thrown suddenly into the market, that the effect would be an enormous depreciation in the value of land, which would fall much below its real value, and a considerable injury would thus be inflicted on the owners; and it was therefore thought desirable that the Incumbered Estates Commissioners should distribute the sales over as much time as they could, and obtain the best purchasers in their power; while the means of purchasing should, if possible, be increased by legislative enactment. He did not regard so much the number of purchasers as the means of purchasing; and there was no doubt if this latter object could be effected by the introduction of English capital, a great benefit would be conferred on the class of persons who generally purchased these estates. He trusted that he should have no difficulty in satisfying the hon. and gallant Member for Portarlington, that he had quite mistaken him in supposing that he had ever expected, by means of that or any other legislative measure, to create a large class of English purchasers who would buy land in Ireland. He had never expected to accomplish anything of the sort—not that there was any want of sufficient security in Ireland, or in Irish land, but that English purchasers of land, like all other purchasers of that commodity, bought it partly for purposes of enjoyment; they wished, generally speaking, to see what they bought, and that it should be easy for them frequently to visit it. He, therefore, never had expected that measures of that description could have the effect—as the hon. and gallant Member for Portarlington supposed him to expect—of creating a large class of English purchasers. But, though it might not be attended with any such consequences, there was no reason why its operation should not be to induce English capitalists to advance their money on the security of purchases soon to be made in Ireland by persons resident in that country. Although extensive purchases might not be made by persons residing out of Ireland, yet a great point would be gained in supplying those who purchased land there with the use of capital for the purpose of assisting them in making those purchases, and in subsequently improving the land that they bought. It was a portion of the object which he had in view that nothing should interfere with the full payment of the purchase-money of any estate sold in Ireland for the discharge of incumbrances, in order that every creditor should be paid in full, or at all events that the whole of the proceeds of every estate sold should be fairly distributed amongst all who had demands against it. Now, for this purpose two objects must be attained: one was that the nature of the purchase should be such as would induce capitalists to lend their money for the purpose of aiding those who sought to make such purchases, by supplying them with the means not only of paying the full value of the land, but subsequently of effecting on it useful and permanent improvements. The second object was to introduce such provisions as would make the borrowing of money under the present Bill as slight a fetter as possible upon the future purchasers of land in Ireland. This latter object they had endeavoured to attain by restricting the amount of money to be borrowed on the security of an estate to one-half the value of the land on which it was to be secured. It was also proposed to make every reasonable provision for a regular and satisfactory payment of the interest on such loans, and it was therefore suggested that, if the interest should be in arrear for a period of three months, the property should be sold; but it was thought that that portion of the details had better be worked out between the Commissioners and the parties, and not introduced as a portion of the Bill. One thing, however, was very manifest, that provision ought to be made for the payment of all sums due for interest money at some fixed time and place. The place proposed to be appointed for that purpose was the Bank of Ireland, where a department might be created for the purpose of receiving and paying the interest on those estates, somewhat in the manner of dividends. It would of course be necessary for some companies or persons to guarantee the punctual payment of those several sums of interest, and remuneration out of the interest itself might easily be awarded to them. Looking, then, at the case as it stood, he thought it exceedingly probable that some such arrangement could easily be carried into effect. Having thus by such a Bill as he proposed to introduce provided for the perfect security of the lender and for the regular payment of the interest accruing on such loans as might be effected under the Bill, it next became a matter of great importance to see that there was no difficulty about the title. Upon that point he proposed to provide for the lenders the great advantage of a Parliamentary security. The estates would be conveyed to the new purchasers subject to the charges which it was proposed to create under the present measure, and therefore the lenders would have all the advantage of a Parliamentary title. Another object which he hoped to accomplish would be to render all the operations under the proposed measure as simple as possible. The Bill would provide a distinct form of certificate, which would be registered at the proper office in Dublin, and doubtless, from what he had said, the House would understand that these certificates would not in their aggregate amount exceed half the value of the estate upon which they were granted, and would, of course, constitute upon that estate the first charge. These certificates, which would be evidence of the loan, and a title to receive interest thereon, would be transferable by endorsement, like an inland bill of exchange, the endorsement always to be registered at the proper office in Dublin in the name of the transferee. There were some other lesser details, with which he should not trouble the House at any length, but rather content himself with observing that the measure now proposed to be introduced would be a great advantage to landed proprietors in Ireland. It would, he hoped, prevent many serious inconveniences to the owners of land in that country; and here he wished to observe that he did not mean that the certificates were to stand in the nature of personal debts against the owner of the estate upon which they were to form the first charge. The holders of those certificates would not be entitled to take the holder of the estate or his goods, or to place a receiver over the estate; and thus he trusted that the landed proprietors of Ireland would be saved from the evils of receivers, and from the evils also of applications to the Court of Chancery and all their disastrous consequences. He should further say, that after the best consideration which he and those whom he advised with could bestow upon the subject, they came to the conclusion that no measure or plan was likely to be devised which would so little fetter the operations of the landlords of Ireland as the Bill which he proposed to introduce. It was well known that many persons who bought land in Ireland were unable to make that land profitable in consequence of their inability to invest sufficient capital in its permanent improvement. Then, again, though even at present there was a considerable amount of capital in Ireland, yet there manifestly was not enough to purchase the enormous quantity of land now about to be brought into the market—still less would there be found there an amount of capital sufficiently to improve that land; but with capital supplied from places out of Ireland there would be abundant means of accomplishing those objects, the land of Ireland, as he conceived, affording sufficient security to guarantee the lenders of such capital, if payable off by instalments from time to time. It had come to his knowledge that persons residing in remote parts of Ireland, having saved a little money and borrowed as much more, were enabled to purchase small estates, and so improve them as to discharge all incumbrances, all expenses, and live many years in the perfect enjoyment of an unincumbered property. If a large number of persons could be assisted by a legislative measure to proceed extensively with operations such as he had referred to, a great object would be attained. It manifestly would be impossible for him then to enter into all the minute ramifications of a subject so extensive as that which the Bill embraced, but he should say, generally, that it was a measure in framing which every care had been taken to fetter as little as possible those who might be disposed to advance capital. There would probably be associations formed for the purpose of lending money to landed proprietors. It was, of course, not possible to foresee to what extent people might be induced to invest money on such security as the purchasers of land in Ireland had to offer; but of this there could be no doubt, that there was at present in this country a great deal of capital, the owners of which were seeking earnestly the means of profitable investment, and he doubted not that most English capitalists would be willing to lend their money upon certificates constituting the first charge upon Irish estates incumbered only to half their value. Some people apprehended that this Bill would not work successfully. For that apprehension he believed that there was no ground; but, assuming that the measure failed, it could at least do no mischief, for, supposing it to be unsuccessful, nothing worse could happen than that it should become a dead letter. From its failure no evil could arise; but if it proved successful every one must acknowledge that it was likely to produce many and great advantages to the country. He had heard one objection to the proposed Bill, to which considerable weight seemed to be attached. It was, that the effect of such a measure would be to enable all proprietors to reincumber land just freed from incumbrance. To that he thought a very obvious answer could be given; namely, that every man who, living in Ireland, desired to purchase land there, would endeavour to do so on as large a scale as he could conveniently manage, and would in many cases endeavour to raise funds, not only to improve his estate, but to pay a part of the purchase-money. Now, if a man holding an estate desired to borrow money, Parliament could not interfere to prevent him—it would be totally impossible to prevent the borrowing of money. Now, what they proposed to do by the Bill was to give the lenders in these cases a Parliamentary title, and to give to the whole transaction as much as possible of a mercantile character. Do what they might money would be borrowed, and their duty was to see that such transactions produced the least possible degree of injury to the individuals concerned or to the public. Loans effected according to the plan that he proposed would be paid off by instalments, the estates would be immediately improved, and eventually unincumbered; he hoped, then, that one effect at least of the measure would be to prevent land in Ireland being depreciated below its fair value. Unfortunately there were in that country persons who had an interest in the depreciation of landed property. Many owners, or nominal owners of estates, were liable personally on account of the incumbrances upon those estates; if the estates were brought to sale, and the incumbrances discharged at a time when land was deeply depreciated, the owner might manage to get rid of the liabilities, and buy the land back again for himself at a low price; then the land, freed from its old incumbrances, would only be liable to that sum which might have been borrowed for the purpose of enabling him to purchase it. Such practical results would certainly be a great evil, and the depreciation of the prices of land, which such persons as he had described desired, would also be a great evil, both of which, he trusted, would be prevented by the proposed Bill; for it supplied a mode by which mortgages could be transferred from one person to another without minute inquiry into titles, without long draughts by conveyances engrossed upon many skins of parchment. That transfer would be very easy and simple, and he trusted that the facility of making it would greatly enhance the value of land in Ireland. [Mr. J. Stuart dissented.] His hon. and learned Friend the Member for Newark shook his head; but he did hope that all the benefits which he expected to arise from this measure would every one be realised. He had now stated to the House the general scope and object of the measure. Its main object was to enable those who wanted capital to obtain it elsewhere than in Ireland with as much ease as circumstances would permit. No doubt a measure of that description must lead to diversity of opinion, and he could not hope that every one would be satisfied with the explanation that he had attempted to give; but he hoped the House would allow the Bill to be introduced, and when they saw what it was, their understanding of it would be of course more complete than any which they could derive from the statement that he had then made. If the sense of the country, after calm deliberation, were against the proposed measure, he certainly should not press it. It was intended for the benefit of the people of Ireland, and they could best understand its probable operation; but he would say, that since the subject had been brought under public notice, he had received several letters from Ireland, all of which were in favour of the measure, not one which was not in favour of the general principle of the Bill, and the language of the public press showed very plainly that those letters coincided with the general sentiment of the public at large respecting the measure. He trusted, then, that the Bill would prove a great benefit to Ireland, and be conducive to the lasting prosperity of that country.

COLONEL DUNNE considered that the measure was one which would materially affect the currency in Ireland—it was one of great importance, and he would maintain that he had been fully justified upon a former occasion in calling the attention of the House to it. Such a measure ought not to have been introduced in any but a full House. At the time when he objected to it, there were only four Irish Members present, and not above twenty English; and he would now put it to the House whether it was not perfectly fair in him to have taken exception to such a Bill, brought in under such circumstances. At that time the public attention was not directed to it, and he must say that the tone and manner of the hon. and learned Solicitor General was now very different from that which he assumed when the subject was previously before the House. There was a history attached to the measure that he did not think was sufficiently known to the House. A measure of a somewhat similar character, and suggested by the success of a plan introduced in Prussia, had formerly been proposed by himself, and other Gentlemen deeply interested in the prosperity of Ireland, with a view of enabling advances to be made to Irish proprietors anxious to improve their properties, but it met with no support from Her Majesty's Government; and he was told that, if adopted, Irish estates would not be sold; and tonight he had heard, for the first time in an official quarter, a declaration from the hon. and learned Gentleman of good feeling towards the Irish proprietors. This alone was sufficient to have made him entertain doubts as to the spirit in which the Bill was conceived. He did not think the hon. and learned Member would find in the Irish newspapers an approbation of the scheme which he proposed, although they all advocated the principle put forward by himself, Mr. Frewen, and other Irish proprietors. At present, no man could borrow money in Ireland unless his estate were whitewashed by the Incumbered Estates Act, and yet they were daily called upon to apply more money to the improvement of their estates. He had always been opposed to the Incumbered Estates Act, to which this was a supplementary measure, and he considered it had failed in the objects it had proposed to accomplish. It had glutted the market with landed property, and a recent case had occurred in which an estate had been sold under the Act for a year and a half's purchase. He did not hesitate to say that any gentleman whose property was taken from him and sold at such a sacrifice was robbed of it. The hon. and learned Solicitor General stated that he had received letters from Ireland, approving of the operation of the Incumbered Estates Act; but he (Colonel Dunne) had received many more letters against it, complaining of the injury, injustice, and ill-feeling which it excited. A few evenings since he had the honour to present a petition from a gentleman of the highest respectability, in a southern county, against the injustice which he suffered from the operation of this iniquitous measure. From this it appeared that Mr. Drew, of Drewsborough, had inherited, under a will made in 1796, an estate of the then value of 1,700*l.* per annum, charged with a debt of 2,769*l.* and a jointure of 461*l.* yearly. In 1845, this estate was worth 2,000*l.* a year, being all good land, and let at low rents; and the present possessor had, as he had a right to do, charged the estate with a jointure for his wife, and with a fortune for younger children. Latterly the tenants on the estate, suffering from the recent famine, and the poor-law, have fallen into arrears, and a receiver was appointed over the estate, who has neglected it, and a sum of 5,000*l.*, in all, is due on it. A creditor has applied for a sale under the Encumbered Estates Act. If sold now, this estate may not bring five years' purchase. If it had been sold some five years since, it would have sold, at a moderate calculation, for 35,000*l.*; and whatever price it now brings, he must lose an enormous amount of its value, his wife be deprived of her jointure, and his children of their fortunes; and, if he had no other fortune, a man of old family, connected with a noble family, would be driven a beggar on the world. Another case, of which he (Colonel Dunne) believed several Members in that House were aware, was an estate of the value of 4,000*l.* a year; it was not encumbered permanently to half its value; but an old jointure brought it within the power of this court; all the interest on the encumbrances and jointure were paid up, and the arrears of rent were only 200*l.* The proprietor had lately removed the agent, and, in revenge, he had influenced a creditor for 1,000*l.* to bring this estate into the Encumbered Estates Court, where an order was given for its sale; and, if sold at the rate estates were selling, by means of that court, the malice and revenge of an individual would be able to deprive a man of high position and ancient lineage of his estate, his wife of her jointure, and her children of the means of subsistence; but these instances were too numerous, and he (Colonel Dunne) would not weary the House by repeating more. Any one who looked in the newspapers must see that every sale was made at a value far under the real value of the property. And could this law be called just, or the policy that dictated it be justified? The hon. and learned Gentleman would not find the Irish proprietors opposed to the Bill, if he would extend to them what he proposed to give to speculators by the present Bill. A great deal had been said of the advantage of giving a Parliamentary title. But a Committee sat last year on the subject of titles, and the evidence given before it went to show that the difficulty did not exist so much on the subject of titles—that, in fact, there were many Parliamentary titles in Ireland not more than 150 years old; that the difficulty lay not in their registration, but in the searches, and other legal inquiries. If these difficulties were removed, it was clear that these titles would be as good as any that the present Parliament could give. But if Parliamentary titles were to be given at all, they ought to be given to the present proprietors as well as to speculators. Judging from the tone taken by the English press, there existed an intention to drive out the present landed proprietors of Ireland, and dispossess them of their estates. He would always oppose the attempt to carry out such a design. The hon. and learned Gentleman had had very little encouragement to persevere in his legislative enactments for Ireland. Law after law had been brought in, but had only increased the sufferings of that country. Ireland had suffered much from the inflictions of Providence, but her sufferings had been greatly aggravated by bad legislation.

Sir L. O'BRIEN could bear testimony to the high respectability of Mr. Drew, from whom a petition had been presented in the early part of the evening, complaining that his estate, which was worth 2,000*l.* a year, was about to be sold to discharge a debt of 3,000*l.*, and he complained of the law which allowed such a state of things. He (Sir L. O'Brien), for one, was quite ready to support any Bill which facilitated the sale of incumbered estates, but he condemned the system of forcing sales. If Her Majesty's Ministers had legislated in a spirit of kindness to Irish proprietors; if they had said to them, we sympathise in the afflictions which have befallen you, and we will try to keep you in possession of your estates till the storm has passed over; if there are any of you whose estates are incumbered beyond the hope of redemption, we will give you facilities for their sales, but we will be no parties to rob you of your estates—if they had done this they would have conciliated, instead of exasperating, as they have done, the proprietors of the soil. He could scarcely credit the statement made by the hon. and gallant Member for Portarlington, that an estate had been sold for a year and a half's purchase, partly because the hon. and gallant Member had neither mentioned the name of the proprietor nor the county in which it occurred, and still more because he could not believe that Baron Richards would suffer such a thing to take place. He wished to call attention to a circumstance which had a material bearing on these matters. By the provisions of the Bill the creditor could force on a sale of the estate at forty days' notice; but one reason why a landlord could not pay his debt, might be, and very often was, that his tenants did not pay their rents. He might be kept for a year and a half out of the rent of his farms by the tenants overholding, and then he might lose his estate on forty days' notice being given. If they made stringent terms for the sale of landed property, they must also give the landlord greater power to recover his rents, or to recover possession of his farms. He had himself been kept out of a farm on which he lost a year and a half's rent by the overholding of the tenant; and he knew an estate which was purchased a few years ago entirely free from debt, but on which there were now thirty farms overheld. At the same time he concurred with the hon. and gallant Member for Portarlington, that if they were to give this measure a retrospective effect as well as a prospective one, so that the benefit of the proposed debentures should be secured to those who now held land as well as to the speculators in new purchases, it would go far to redeem the blot existing on the present measure.

Mr. F. FRENCH said, the hon. Baronet the Member for Clare had stated that it was difficult to give credence to the statement of the hon. and gallant Member for Portarlington, that an estate had been sold for a year and a half's purchase, because he had neither specified the name of the proprietor nor the county where the estate was situated. But his hon. Friend would be no longer sceptical when he (Mr. French) told him that the estate was in Mayo, that the name of the proprietor was Mr. M'Laughlin, that it was valued at 400*l.* a year, and that it sold for 600*l.* It was true there had been 658 cases of estates brought before the court; but how many sales had there been? Only four—not more than four estates had been sold, or alleged to have been sold. He said alleged, because one of the sales related to a property in Westmeath, which it was said had been bought by a farmer resident on the property at a fair value; but on inquiry it turned out that there was no such person as the alleged purchaser in existence. In the second case he would mention, he had learned from the unfortunate proprietor himself, Mr. Baldwin, that in 1845 he had refused 8,500*l.* for his estate, while it was sold at the commencement of this year for 3,500*l.* This estate was described as having been sold at eighteen years' purchase; but in reality, taking the ordinary value, it sold only for eight and a half years' purchase. There was one curious circumstance connected with this Bill, as compared with the former Incumbered Estates Bill. The hon. and learned Solicitor General had explained that a power was given to purchasers by the present Bill to incumber the estates when purchased to the extent of half their value; and this he described as a perfect guarantee to the lender. And yet, in the former Bill, it was assumed that when an estate was incumbered to the extent of half its value, it afforded no guarantee whatever, and ought to be sold. He alluded to this as showing the intention of the Government and their legislation to deprive such proprietors of their estates, and complained that the Government had not adopted the system practised in Silesia by the Prussian Government, where the proprietors were in as depressed a condition as the Irish landlords were; but the Government came to their assistance by lending them money to the value of half or three-fourths of the value of their estates—proper security for repayment, as well as for the interest, being taken—the consequence of which was that the Silesian proprietors were speedily raised from the dust, and restored to a state of prosperity.

Mr. NAPIER did not think they ought to refuse the hon. and learned Solicitor General permission to introduce this Bill, because the present circumstances of the country were peculiar; and he thought it was for the public interest that they should keep up the price of land. The present result he had anticipated, when the late Bill was before them, and pressed upon the attention of the House that its effect would be to force a great quantity of land upon the market. He could not agree with the hon. and learned Solicitor General that that was any proof of the beneficial working of the measure, because he remembered that a clause was introduced into the last Bill giving costs to every petitioner, and that he feared had operated as an inducement to collusive practices. It was said, that the late measure was an imperfect one. Be it so. But that was the greater reason for trying some experiment—and he admitted that this was an experiment—for improving its operation; and having talked over the question with many persons in Ireland, he found that differences of opinion existed with respect to it, and he thought, therefore, that the safer course was to allow the measure to be introduced. Another reason was, that as matters now stood there was a strong inducement to proprietors to exhaust the land; for as they had no prospect in the present state of prices of ever getting a farthing of the surplus from the sale of their estates, it would be found that between the notice and the sale the land was greatly exhausted. He thought, therefore, it was of great importance that the House should endeavour to prop up and get a crutch made for that which they had themselves made lame, till confidence was restored throughout the country. And he confessed he thought that, along with the introduction of other measures, confidence would be restored. Allusion had been made to one estate having been sold at a year and a half's purchase; but he believed that estate had not been sufficiently advertised, and he knew that parties would have given a good deal more for the estate if they had been aware it was for sale. But let them look to the north of Ireland, where there was so much agitation on the subject of tenant-right. He knew a case where the brother of a Presbyterian clergyman, one of the great agitators on the subject of tenant-right, had purchased the tenant-right of a farm at nine and a half years' purchase. The property was in an electoral division formerly of large extent; but the Poor Law Commissioners had the good sense to narrow the electoral division, and the consequence had been a reduction of pauperism and outdoor relief. People were, therefore, getting up their spirits, and land was increasing in value. He did think, therefore, that by giving the land a breathing-time—by not teasing the people with too much legislation—they would be able in a little time to have property sold at a price that would be beneficial to all parties.

Mr. SADLEIR thought that power should be given to the Bank of Ireland, and to insurance companies in this country, to make advances on the certificates proposed in the Bill. He had always anticipated that great sacrifices would be experienced in the sale of incumbered estates under the recent Act. That Act was introduced for great and beneficial objects, but not for purposes of forfeiture, as was stated by his hon. Friend opposite. It was for the public good that estates heavily incumbered should be sold. As a means of benefiting both proprietors and tenantry, he had always advocated a diminution of the area of taxation; and, for the same reason, he held it necessary that excessive bankrupt properties should be brought to the hammer as speedily as possible. This might be injurious to individuals, but it was clearly for the benefit of the country at large. The great body of the proprietors in Ireland were unincumbered, and, as compared with those who were excessively incumbered, a great many more were only partly so. He was happy to hear the hon. and learned Solicitor General speak highly of the Bill, because he thought it would introduce a more simple mode of obtaining money on the security of Ireland, as he (Mr. Sadleir) looked upon a simplification of the means of borrowing money on land as a matter of the very highest consequence.

Mr. STAFFORD regretted one observation which fell from the hon. and learned Solicitor General, that the Government had given up all hope of witnessing the investment of English capital in Irish property; but that though English capitalists would not buy land for themselves, they might be disposed to lend money to those who did. He must say that if that impression went forth as the opinion of the Government, it would increase the difficulty of obtaining capital for investment in Ireland. He wished to remind the hon. and learned Gentleman and the House that the difficulty thus referred to was owing to their own legislation for the last few years. The hon. and learned Gentleman would recollect the arrangements respecting the poor-law, against which he (Mr. Stafford) and others had so often protested in vain, but which the Government had at last consented to alter—the arrangements respecting the electoral unions, which rendered it impossible that any proprietor could know to what extent he would be called upon to contribute to the pauperism in his neighbourhood, or to what extent his estate would be rendered valueless from the ill management of the neighbouring property. It was only the day before yesterday that he received the plan of the new boundaries of the union with which he was more immediately connected. These boundaries appeared to have afforded great satisfaction; and if the hon. and learned Gentleman attached one-half as much importance as he (Mr. Stafford) did to the new arrangement, he would feel that it would be impossible to say how far it would affect the market price of land in Ireland. But he could not avoid again deprecating the manner in which the owners of incumbered estates in Ireland were dealt with and spoken of by the Government. There was more blame and obloquy thrown upon them than ever had been cast upon any body of men. They were represented as a doomed class which it was desirous to get rid of as quickly as possible, and yet they now found the Government inviting and holding out inducements to others to join that doomed class. Seeing that the Legislature had already drawn a distinct line of demarcation between the landed proprietor in England and the landed proprietor in Ireland, it was only folly to expect that English capitalists would invest their money in Irish land, when they could get land in England, at even double the price, and for this reason, that there was a settled state of things in England. There was not that spirit of intermeddling, and of what he might call levity, in legislating for the landed proprietary in England, which was exhibited with regard to the landed proprietary of Ireland. It might have been wise to intermeddle as they had done, but they should recollect that they could effect no improvement in Ireland, except by the introduction of capital into it. They could hope to get no capital but English capital to flow into Ireland, and there was no chance of its introduction unless there was security of the most positive description afforded. Before sitting down he felt bound to say that the House and the country were deeply indebted to the hon. and learned Gentleman the Solicitor General for the great pains he had taken in preparing measures for the benefit of Ireland, and for the ability he had shown; whilst the patience with which he had listened to the objections raised, and answered all the inquiries made of him respecting them, was such as to reflect the highest possible credit upon him. And there was a strong feeling amongst the well-informed and educated classes in Ireland, of deep respect and gratitude towards the hon. and learned Gentleman for the efforts he had made to carry measures for the benefit of that country. He (Mr. Stafford) hoped that the Government would bear in mind that the only hope of inducing the English people to invest their capital in Irish soil lay in the giving equal security in both countries, and in dealing out the same impartiality and fairness to them as common subjects of one common empire. The House would do well to pause before it pronounced a verdict of condemnation upon the landed proprietors of Ireland, until it had seen how the paid guardians of the poor had managed the affairs entrusted to them. Let hon. Members compare the mode in which those paid guardians had performed their duty, with that in which the landed proprietors whom they superseded had performed theirs, considering the enormous difficulties with which the latter were surrounded; and if they found, as he believed they would, that the paid guardians had manifested the grossest negligence, mismanagement, and injustice, and had made the most profligate expenditure of the funds entrusted to their care, they would probably feel somewhat inclined to reverse the unfavourable decision to which they had previously come regarding the unpaid guardians.

The SOLICITOR GENERAL begged to say a few words in explanation. With respect to what he had said regarding English purchasers, he certainly did not speak the opinions of the Government. He spoke his own individual opinion only, and no one but himself was responsible for them. But he certainly thought, from personal observation, that purchasers of landed property generally wished to live upon and enjoy personally the benefit of their property, and for that reason he thought that English proprietors would not be very likely to buy estates in Ireland, unless they intended to go and reside in that country upon them; whilst many capitalists would be satisfied to advance their money upon the security of estates in Ireland, where that security would be ample. As to the observations of the hon. Member for Roscommon with respect to the half value incumbrance of the property, he completely misunderstood him if he thought he (the Solicitor General) had stated the object of the Bill to be that the estates were not to be sold unless they were incumbered to one-half their value. The original principle of the Incumbered Estates Bill was, that the estate might be sold if it were incumbered, and the owner could not pay off the incumbrance. It was in the House of Lords that the clause was introduced, providing against the sale of estates unless they were incumbered to one-half their value; but the original principle was, that if the owner could not pay the debt, the incumbrancer was to have power to sell without reference to the value. Now, with regard to the instance which the hon. Gentleman had given of an estate having been sold for one and a half year's purchase, he hardly supposed it would turn out upon examination to be exactly correct. It was, in the first place, very difficult to say what was the precise yearly rental of an estate in Ireland. Then, again, we were not told whether the assumed rental had been calculated upon the income of ten years ago, or upon what had been received the other day. But to show the difficulty of ascertaining the precise facts of the rental, he would mention that he had received the following information from the Commissioners for the sale of Incumbered Estates in Ireland. The House would remember that under the Act it was essential that the commissioners should state the names of the tenants, the description of their holdings, the amount of rent they had to pay, the nature of their tenures, and the state of the land upon which they were settled. Now to show what great difficulties they had to encounter to fulfil those requirements, he should state that in many cases there was not a single person in existence who knew what the rent was. The landlord did not know it. His steward did not know it. The tenants knew as little about it as any one else. They did not in many cases know what land they had, or what were their boundaries. They merely knew generally that they held the land amongst them; that they were in arrear; that the steward was to call for the rent, and that they were to make up as much for him against the time he was to call upon them as they could scrape together. The commissioners were obliged in those cases to arbitrate between the parties, and state the particulars as fairly as they could, so as to comply with the requisitions of the Act. He was bound, therefore, to receive with considerable suspicion the statement that an estate had been sold for one and a half year's purchase. And if it were stated that it had been sold for what purported to be one and a half year's purchase of what would be a fair rental at the present time, he could only say that he doubted it very much.

Leave given.

Bill ordered to be brought in by Mr. Solicitor General, Sir George Grey, and Sir William Somerville.

SUPPLY.

Resolutions reported.

On Vote 11, 137,100*l.* to defray the salaries of officers and contingent expenses of the Admiralty Office,

Colonel SIBTHORP said, he was well aware how useless it was for so small a man as he was in that House to object to the vote of salaries to which he had objected on the preceding night, but he had felt it to be his duty to do as he had done. No one had a better right than he to uphold the salaries set aside for both the services. Those who had gone before him had been in the Army. He had lost a most amiable brother in the Navy—one who was a not undistinguished officer, for he had been honourably mentioned by the gallant admiral under whom he had served. And he had two sons at present in the Army, one of whom had served his country in the recent affair at Moultan. Therefore he discharged a painful duty last night when he proposed the reduction that he did. He did not know personally the individuals who filled those most important situations, the Lords of the Admiralty, except his old Friend the First Lord of the Admiralty and Admiral Dundas, and he had no motive but a sense of duty, to carry out that which was much professed at the present day on that side of the House and more professed on the other—the economical system. He took the sense of the House, and he had flattered himself that he should have been supported by a vast number of hon. Members on that side of the House, who professed on the hustings their determination to support economy; but he regretted to say that he was not supported by them. He might have expected it. An individual like himself could not expect much support; but that could not make him forget his duty, nor would it prevent him from going out with only one Member in the discharge of what he conceived to be his duty to his country. The noble Lord at the head of the Government promised a Committee of Inquiry to consider the reductions of salaries. He entertained the greatest respect for the noble Lord as far as his talents were concerned, but he could not say much for his consistency. He hoped the noble Lord would carry that principle into effect. He (Colonel Sibthop) took the liberty of saying that he doubted it. Nevertheless, he should pursue the course that he had done. He should watch the noble Lord as carefully as a cat watched a mouse, and he should be always on the spot.

Sir H. WILLOUGHBY said, he did not think the hon. and gallant Member had made out his case for a reduction of the Lords of the Admiralty. He considered that reduction might be more easily made by exercising a vigilant superintendence over the expenditure of the dockyards.

The remaining Votes reported.

CHARITABLE TRUSTS BILL.

Order for Second Reading read.

Mr. GOULBURN said, there were several points in the Bill which deserved serious consideration, and he thought he could not do better than state the objections he entertained to it now on the second reading, in the hope that they would be duly considered by the Government before it went into Committee. It was extremely important that the object professed by the Bill should be achieved—the better and more economical administration of charitable funds. Every one knew that those at present invested with the management of these funds found great difficulty in providing fresh trustees without incurring great expense, and, in some instances, of giving due effect to the wishes and intentions of the donors. But this Bill would not effect what its title professed to have in view. It applied only to a particular class of charities, those under 100*l.* a year in value; and it provided two new tribunals—one a separate Master in Chancery for those charities above 30*l.* and under 100*l.*, and another tribunal for those under 30*l.* At present no property under 100*l.* could go into the Court of Chancery without the certainty of being devoured. The Bill proceeded altogether on a wrong principle, for charities above 100*l.* had the same right to be economically and properly administered as those under 100*l.* This was nothing but a device for avoiding that reformation of the Court of Chancery in its administration of charities for which all the world had been long crying out, and the necessity of which was every day more impressed upon the public. No Government could undertake a more popular task than that of endeavouring to make the Court of Chancery what it was intended to be—the means of administering justice with regard to charities, available for all, however small in amount. If the hon. and learned Solicitor General would give his attention to such an alteration of the Court of Chancery, he would be doing a great public service; but if he persevered with this Bill as it stood, the effect would only be to hide from the public the deformities and the expense of that particular court, and to prevent any adequate reformation of it in its administration of charities; while in the meantime the charities of small amount would be remitted to a tribunal which he thought would be utterly incompetent to manage them. Some persons thought charities of small amount were of minor importance; but they involved principles of property as sacred as charities of the largest amount; and though not operating so extensively on particular classes of individuals, they still materially influenced the happiness and comfort of those within their range in their respective localities. It was not the amount, but the object to which a charity was directed, that ought to be looked at: efforts should be made to secure the donor's intentions, and prevent those abuses which had arisen more from want of an adequate tribunal for their redress, than from any fault of those who administered them. The number of small charities with which the Bill dealt was enormous; there were 4,600 of an educational character alone, which were directed to most beneficial purposes, and of which the due application should be ensured. The Bill proposed to transfer to the judge of the county court the right of dealing with the charities under 30*l.* per annum; all questions as to the appropriation of the charity, and the appointment of the trustees were to be submitted to him; he was to have the power of laying down new schemes for the administration of the charities, in conformity with what he considered the intentions of the founders. This was a very extensive power; it had hitherto been vested entirely in the Lord Chancellor, who, from his eminent position, always in the view of the public, having great responsibility attached to him, and acting always in the presence of a learned bar, who were ready to criticise, approve, or censure his conduct, had every motive for acting on just and uniform principles in the administration of these funds. But the power was to be transferred to an officer of a very different description—a county court judge, sitting in a provincial town, with no bar of any importance before him—the affairs he managed only known to a few persons resident in the immediate neighbourhood—who was not sufficiently high in his profession to be above the suspicion which always would attach to his decisions, of proceeding in some degree from political or other feelings—who, generally speaking, had to deal with questions of common law, and was very little conversant with the rules of equity. Another evil was this. At present there was a uniform tenor of decisions; but they were about to commit these questions to perhaps sixty judges, each deciding in his separate jurisdiction on points of equity with which he was not particularly conversant, forming precedents for himself in each particular case, and running the risk, if not incurring the certainty, of giving decisions on most important points, which would involve the whole administration of these trusts in difficulty and disorder, not merely for the moment, but for all time to come. The greater number of these small charities had been left by clergymen, or members of the Established Church, for the education of the poor; and they had been so applied as to give the poor of these several parishes a good and religious education, though in many cases the testator might not have particularly specified that a religious education was to be given, such being presumed to be his intention from his own profession. The funds in these cases had been applied in aid either of the parochial schools or those of the National School Society. Now there was an impression in some parties that secular education only was necessary; and he would ask the House, was it safe to leave to such an officer as he had described, on the application of any dissatisfied person in the parish, representing that there was no specific provision in the will of the founder that a religious education should be given to the people—himself, perhaps, imbued with these novel principles—the power of deciding, should he so take it into his head, that an exclusively secular education was the only one to which the trust property was applicable? This would open an infinite source of litigation and division. He might be told that there was an appeal from the decision of the county judge to the Lord Chancellor; but the party appealing must do so at his own expense, and where was the benevolent person to be found who would incur the expense of litigation in Chancery to recover 10*l.* improperly withdrawn from a school? The true remedy was in the purification of the Court of Chancery, and in rendering it less dilatory and expensive; not in raising up tribunals, the only remedy for whose unjust decisions would be surrounded with all the expense, vexation, and delay which now attended questions of the administration of charity in the first instance. On these grounds he thought the Bill required serious consideration on the part of Government. It would be far wiser to undertake such a revision of the proceedings in Chancery as should give to all charities, great or small, the advantage of a proper administration, than to endeavour to bolster up what was in itself a bad system, by attempting a remedy for a portion of the evil, which would be no remedy at all, but which, though it might save some expense and litigation in the first instance, would tend to produce great dissatisfaction and injustice.

Mr. TURNER complained that the Bill had been generally put into the paper at an unreasonable time. In objecting to its being proceeded with after midnight, he had been actuated solely by a sense of the importance of the measure. It affected mainly the interests of the poorer classes, and threw a great responsibility on the House in selecting a tribunal for the proper administration of these charities. He regretted that such administration had often been tainted with political feeling. He was most desirous of hearing the suggestions of Gentlemen conversant with the working of charities in their respective neighbourhoods. The Bill dealt with all small charities under 100*l.*, the number of which was about 24,000, and their income was not less than a million a year. There were also between 3,000 and 4,000 charities under 30*l.* a year, whose aggregate income was between 200,000*l.* and 300,000*l.* Their objects were very various; some were for the maintenance of churches, others of highways, others of the poor, and others for educational purposes. The descriptions of trustees were almost as various—nominated, elected, *ex officio*, and other kinds. In dealing with funds so large, and applicable to such a variety of purposes, it was most important to select a tribunal which would ensure their being fairly and properly administered. The first object was to take care that proper persons were selected as trustees; the next to meddle as little as possible with the discretion of those trustees so long as it was properly exercised; next, to provide a very speedy and efficient remedy in the event of any abuse of the trust; and, lastly, to take care that no groundless or vexatious suit on the subject of these charities or their administration should be incurred. No person who was unacquainted with the course of proceeding in the Court of Chancery could conceive the mischief that arose from allowing parties to come into court upon any complaint which they thought proper to prefer. As an illustration of that he might mention that when the report of the commissioners, who had been appointed some years ago to inquire into all the charities of the kingdom, had been published, and no provision had been made to prohibit any others than the Attorney General to institute proceedings for the purpose of remedying abuses in those charities which required to be remedied, a particular attorney in the neighbourhood of that House filed informations against the different charities in the city of London, and against a vast number of other charities, at the relation of some person nominally interested; and to his knowledge the funds of many of these charities had been completely wasted in the litigation which ensued, in consequence of the want of sufficient control with respect to suits to be instituted for the remedy of abuses in charities. Now, on looking to see if the provisions of the Bill provided any adequate protection against such an evil, he found that any person might sue who had the sanction of his hon. and learned Friend the Attorney General, or of the magistrates in petty session assembled. If his hon. and learned Friend could devote sufficient time and care, consistently with the other duties he had to perform, to this matter, he should be quite satisfied to leave that discretion in his hands. But he knew that it would be impossible for his hon. and learned Friend to devote sufficient attention to the subject, and without casting the slightest imputation on his hon. and learned Friend, he was acquainted with many cases where information had been filed in the name of his hon. and learned Friend, whose sanction was required *pro formâ*, without its being possible for him to give due consideration to the subject. No protection, therefore, which could be of any avail to these charities was thrown round them by the sanction of his hon. and learned Friend. Then, the sanction of two magistrates would be sufficient. Let the House only conceive what the effect of this must be in the different towns throughout the country. Nothing would be more easy than for a party to obtain the sanction of two magistrates in those places where a spirit of strife or party feeling existed, to file informations against a charity, and to exhaust its funds by making it the subject of appeal to the Court of Chancery. The Bill was objectionable in that respect. But it was objectionable likewise in many other respects. By the provisions of these Bills all charities between 30*l.* and 100*l.* were to be referred at once to the jurisdiction of a Master in Chancery, finally, and without appeal. Now, he would admit that the office of Master in Chancery was never better filled than it was at the present time; but, nevertheless, he had no hesitation in saying that it was a general practice for the parties who were litigating any case to appeal from their decision to that of the superior court. He therefore asked at the hands of the House that the right of appeal from the decision of the Master should be allowed in the case of these charities. He should not perhaps object to the Masters in Chancery being invested with the power of appointing the trustees. But this Bill proposed to give them the power of removing trustees. This would necessarily bring into the office of the Masters questions as to the conduct and character of parties, which ought to be reserved for the judgment of the higher court. With respect to charities under 30*l.*, the Bill proposed to place them under the jurisdiction of the county courts. To that he entertained the strongest objection, because although he wished to speak with great respect of the judges of these courts, they were not generally acquainted with the mode of administering charities, or with the principles which regulated their administration. If they were resident in their different localities, and were personally acquainted with those who administered the charities, he might not entertain so strong an objection to these charities being placed under their jurisdiction. But, generally speaking, they were not local residents, they possessed no local knowledge of the persons who administered the charities. On whom, then, would the administration and control of them fall, and from whom would the judges derive their information? From their clerks. And who, generally speaking, were these clerks? They were in too many instances solicitors practising in the towns where these charities existed. They were, therefore, connected with all the local politics of the place, and had a share in every election which took place: was it right that the control of these charities should be vested in such hands? These were evils which he thought sufficient to prevent the administration of charities from being placed in the hands of the county courts; but there was another and a greater objection which he thought would be decisive on the question. Suppose the case of the appointment of a trustee, and the judge having to decide between two candidates of different politics. In order to avoid the least suspicion of partiality, he might appoint the person who was of different politics from himself, although he might not be so well fitted to discharge the trust, or he would appoint the person of the same politics as himself, and then it would be said of this judge, in whom it was of importance that the poor should have the greatest confidence, that he worked the charities for local politics, and as a political engine. But the evil did not stop at charities under 30*l.* a year, for power was given to the Lord Chancellor to send charities of a higher amount to the county court, for the purpose of inquiry and administration. Under this provision of the Bill, even Rugby, Harrow, or Eton, would come within the power of the county court. It was not right to incur even the danger of that. He did not deny that some legislation was necessary on this subject. But this Bill was defective as well as faulty. It made no provision to enable charitable trustees to pass their accounts, which was a most desirable object to attain. It introduced confusion with respect to municipal charities under 30*l.*, which were under the jurisdiction of trustees appointed by the Lord Chancellor. But this Bill places other charities of the same amount which might be and were connected and administered together with municipal charities, under a different jurisdiction. Again, this Bill contained no provision to remedy the evil of requiring leases to be executed by all the trustees. He was of opinion that the objects contemplated by this measure would be effected more cheaply, and he was sure more safely and more equitably, and certainly more beneficially, through the medium of a Judge of the Court of Chancery sitting in chambers, than through the medium of the county courts or the Masters of the Court of Chancery. If the House did not approve of a Judge sitting in chambers, he thought that the commissioners of bankruptcy throughout the country, who were locally resident and were acquainted with the practice of equity courts, could more appropriately take cognisance of these charities than the judges of the county courts. He trusted that the House would prevent the administration of charities under 30*l.* a year by county courts, and that it would generally repudiate the principle of the administration of charities by these tribunals. He hoped the House would rather confer that jurisdiction upon a Chancery Judge in chambers, and it was his intention shortly to introduce to the consideration of the House a measure constituting such a tribunal.

The SOLICITOR GENERAL would acquit the hon. and learned Gentleman who had just sat down of any unreasonable opposition to this Bill; but it should be remembered, that it had been estimated that the aggregate amount of the charities under 30*l.* was about 300,000*l.*; and under the existing state of the law, in every one of these cases, a breach of trust might be committed without the possibility of redress, redress being too expensive for any person to attempt to proceed. All would, therefore, admit, that it was highly important to provide a remedy for such a state of things. He was not disposed to dispute that if the Court of Chancery were reformed as he could wish it to be, it might deal with all these cases as cheaply as the tribunals proposed by this Bill; but, he asked, how near were they to such a reform in the Court of Chancery? The first steps now in progress for that end, both in England and in Ireland, were only in the nature of experiments; and although he had no doubt of their ultimate success, yet what were they to do with these charities in the interval? And if they were referred, in the meantime, to the jurisdiction proposed by this Bill, there would be no reason why, when the Court of Chancery had been effectually reformed, they should not be transferred there, if it was considered advisable. The hon. and learned Gentleman objected to the proceedings before the Masters in Chancery, because there was no appeal; but if he referred to the 3rd clause, he would find that there was an appeal in cases where the Master makes a special report, or makes an order subject to the opinion of the Court. This enabled the Masters to allow appeals, if in their discretion they believed it necessary; and it was generally found that they were most ready to have their opinions corrected by the superior courts. It should be observed that great expense was occasioned by protracted litigation, and in the case of a charity of only 100*l.*, one year's income, and probably more, would be entirely absorbed by the costs of an appeal, and the benefits to the poor recipients would be stopped. He, therefore, thought the right of appeal ought to be limited in extent. His hon. and learned Friend said it was important to give no encouragement to groundless complaints. Now, it had been a matter of course until of late years, that any person might file an information, himself being liable to the costs; and it was only within the last fifteen or sixteen years that the practice had been otherwise. This Bill sought to remedy this; for the 31st section provided that every application should have either the consent of the Attorney General or of two justices of the peace acting in petty session in the jurisdiction within which the charity was applied; and surely those justices of the peace might be safely trusted to allow a person to apply for redress regarding a charity of which it must be supposed they would have a local knowledge, and respecting which they must be presumed to be as free from party bias as they were in the discharge of their other duties. As regarded the passing of accounts, he supposed that meant a tribunal to audit the expenditure. Now, that was an expensive proceeding, and a great object of this Bill was to keep down expense as much as possible. But the Bill made special provision for the keeping and publication of accounts; and if any person thought he detected anything improper in them, he could apply to the magistrates for permission to seek for redress. With regard to the objections to the judges of the county courts, the argument about the diversity of decisions was equally applicable to the county courts, as they now existed, and yet the country was strongly in favour of them. But here the evil would be less, because an appeal, under certain restrictions, would be allowed as to these charities, whereas no appeal at all was at present allowed in the county courts; and this provision would have the effect of regulating the law and practice of the courts; and he thought the judges would have sufficient acquaintance with the subject to enable them to deal with the cases that would come before them. There was no magic in them, and they would not have to deal with cases of title except in some particular instances. County court judges were not exclusively taken from the common law bar; he could name five or six gentlemen of considerable experience, from his own knowledge, who had been chosen from the Chancery bar; and that circumstance would be as strong a reason for objecting that they were not sufficiently acquainted with common law, yet he had not heard of such a complaint in any county court. Believing, as he did, that no individual could efficiently administer any branch of common law or equity without an acquaintance with the principles and even the details, to some extent, of the practice of all the other branches, he thought it exceedingly desirable that a knowledge of the whole should be united in the same individual, instead of being subdivided to such an extent as many seemed to prefer. With respect to the argument regarding the political bias likely to arise in the minds of county court judges, he confessed that he did not feel much of the strength of his hon. and learned Friend's observations. He did not believe it possible in human nature to remove all political bias from a Judge; and he believed the fear of being swayed by such an influence oftentimes made many Judges decide contrary to the truth of the case. But what did his hon. and learned Friend suggest? The county court judges were not locally resident in their several jurisdictions; but his hon and learned Friend proposed to transfer the duty to the Commissioners of Bankruptcy, who were generally locally resident in their different jurisdictions; and he ventured to say that political party and local bias was much stronger in persons always resident in the same place, than in those who only went there from time to time. And, in fact, this was the reason for changing the circuit of the Welsh Judges, and not continuing them always on the same jurisdiction. He believed, therefore, that his learned Friend's suggestions were very unadvisable in this respect. But he also suggested that an Equity Judge should try these cases in chambers. Now it would not be possible to do this in charities under 30*l.*, because it would be too expensive. But why not apply the same principle to the Masters in Chancery; for it would really amount to the same thing, except in the name of the Judge—it would merely be a Master in chambers instead of a Judge in chambers; and he would venture to say—and he believed his hon. and learned Friend would agree with him—that many of the Masters of the Court of Chancery at this moment were as competent to deal with these cases as the Judges themselves. Therefore, in reality, his hon. and learned Friend's suggestions, instead of being opposed to, turned out to be confirmatory of, the provisions of this Bill. He (the Solicitor General) was desirous to avoid trespassing upon the time of the House, but there was one observation he should make with respect to what the right hon. Gentleman the Member for Cambridge University had stated in reference to those charities that were given for educational purposes. In administering the charitable trusts, the judges appointed to administer them would find charitable trusts belonging to every denomination of persons—of members of the Church of England—of Dissenters and other persons; and in all those cases to which the right hon. Gentleman referred, where from the fact of the donor being a member of the Church of England, or from the fact of the trusts being administered by a member of the Church of England it was necessarily to be inferred that the intention of the founder was, that the fund should be devoted to the instruction of persons professing the doctrines of the Church of England, it would be a breach of the trusts to apply them to any other purposes. The same principle had governed the decision in the case of Lady Hewley's charity; and by that principle the judges of the county courts would be bound. He did not mean to say that there was not in the Bill a great number of matters to be improved, and was perfectly aware of the difficulties of the subject; but the general principle of the measure was to afford a speedy and cheap remedy for the administration of those charities. He did not expect any opposition to the second reading of the Bill, though he anticipated in Committee a great deal of discussion on some of the clauses, and many suggestions respecting them. Those suggestions would receive consideration, and he promised to give his best attention to the subject.

Mr. ROUNDELL PALMER said, it struck him that the main difficulty in the way of this and many other reforms which might be suggested in the administration of justice, arose not by any means from that part of the subject which occasioned the principal necessity for legislation. There was an important practical distinction between the administrative and contentious jurisdiction of the court in this class of subjects; and the great practical necessity for legislation, he would venture to say, had reference not so much to cases of supposed or actual breach of trust in small charities as to the very numerous instances of their administrative wants, which, in the present very imperfect state of the law, could not be supplied without the Court of Chancery. Take, for example, the appointment of new trustees—the most simple, and often the most necessary, thing in the world. One would suppose that there would be an equally simple, straightforward, and obvious way of doing it; but no, the only mode was by the costly machinery of a petition to the Court of Chancery, reference to the Master, a return to the Court to be confirmed, and, possibly, further questions arising out of the subject. Again, the taking and publication of accounts was an important matter; so, also, was the power of re-leasing when the estates of a charity required to be let; and the case where the funds of a small charity had so increased that it would be possible to extend the basis of the foundation consistently with the wishes of the founder. All these were administrative objects, and it was for the sake of those objects that the intervention of the Legislature was necessary. All that, however, might be supplied by the present Bill without entangling themselves in any of the difficulties which arose immediately they attempted to apply the same mode of summary jurisdiction in those difficult contentious cases which would arise in small charities as well as great. It was, he thought, worthy of consideration whether it would not be better, in the first instance, to pass a Bill which should provide a cheap, simple, and effectual mode of supplying the ordinary administrative wants of charities, whilst they reserved the consideration of that contentious part of the jurisdiction until they should be able to deal with the general subject of Chancery reform, in connection with which it really required very much to be considered. Another point of first-rate importance, on which, as it appeared to him, this Bill was open to grave exception, was that of appeal. It seemed to him that the House should pause before it extended the principle of giving judges, who were to be appealed from, the right of determining whether or not an appeal should lie from their decision. With respect to the Masters in Chancery, they were known so well, and they had before them so many examples and so large a course of sound and just administration, that he could not doubt but that, as a matter of course, they would allow an appeal in every case whenever it was asked; but that principle was now proposed to be extended still further with respect to the judges of the county courts, and they gave to those judges the power of removing the most respectable persons in the neighbourhood—the clergy of the parish, county magistrates, and gentlemen of that standing—from the office of trustees, and of refusing to give them an appeal; and further, if they allowed an appeal, it was proposed that the case should go to the court above from the local judge upon his statement of the facts of the case, as he had derived them from the evidence. He quite admitted, that of all the reforms which had been introduced into the country for many years past there was none for which they had more reason to thank the Government than the establishment of the county courts; and feeling that, he was not disposed to refuse to those judges, as a class, that confidence which he thought ought to be placed in the judicial institutions of the country generally; but when the question arose of referring these matters either to the county court judges or the Commissioners in Bankruptcy, he must observe, that the Commissioners in Bankruptcy had, for the most part rather greater acquaintance with equitable principles than could usually be expected from the previous practice of the county court judges; and that the questions arising out of the contentious jurisdiction in charities would be of a different class from those which were now referred by the law to the county court judges; and, therefore, it by no means followed that those gentlemen would acquire, in the ordinary exercise of their present jurisdiction, those habits which were at all applicable to this class of subjects. The jurisdiction was also far greater in point of amount than was entrusted to the county court judges for any other purpose; for 30*l.* a year was equivalent to no less than 750*l.* at twenty-five years' purchase; and the Government which introduced this Bill was now objecting to any extension of the county court jurisdiction, even in common cases of debt, beyond its present limit of 20*l.* These were, in his opinion, important reasons for endeavouring to place the jurisdiction, in cases of charities under 30*l.* a year, in the hands of the Commissioners in Bankruptcy.

Mr. AGLIONBY said, it was, of course, exceedingly natural for hon. and learned Gentlemen belonging to the Chancery bar to feel great reverence for the court in which they practised; but the country did not like that court; and the great advantage of this Bill was, that it sheared that court of a considerable portion of its practice, and vested it in a body in which the public felt more confidence. He had received, from districts in which small charities were administered, communications in favour of the passing of a Bill which would relieve parties from the caprice and delay of the Court of Chancery. Bad as was the practice of the Court itself, that of the Master's Office was worse—even the place and the manner of administering justice were anything but calculated to inspire the public with confidence. He believed there was no greater evil than appeals, and that there was nothing which was viewed with greater impatience by the country than the delay and expense occasioned by this system of appeal. He could not agree with those eminent and learned men who had already spoken. He thought the change was a great advantage, and he thanked the hon. and learned Solicitor General for having carried out this work.

Bill read 2°, and committed for Monday next.

The House adjourned at a quarter before Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, April 10, 1850.

Minutes.] Public Bills.—2° County Court Extension; Parish Constables.
3° Exchequer Bills (9,200,000).

COUNTY COURT EXTENSION BILL.

Order for Second Reading read.

Mr. FITZROY moved the Second Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir G. GREY said, that he had before admitted that a great desire existed in the country for an extension of the jurisdiction of the county courts; but he wished to state to the House the grounds on which he thought that they ought to be at least cautious in adopting the Bill of the hon. Gentleman opposite, and in doing so he should wish to call to the recollection of the House the former proceedings which were taken in reference to the Small Debts Act. That Act was not hastily passed, and the limitation of jurisdiction was one which was approved of by the Select Committees in both Houses of Parliament to which he believed the Bill was referred at the time when the measure was first brought forward. A Bill similar in its provisions was proposed to Parliament by the Government of Lord Melbourne, in 1841, and subsequently by the Government of which the right hon. Member for Tamworth and Lord Lyndhurst were Members, with the same limitation as to jurisdiction. The Government by which the Administration of the right hon. Baronet was succeeded, saw no occasion to depart from the conclusions at which the Governments of Lord Melbourne and the right hon. Member for Tamworth had arrived; and with the general consent of both Houses of Parliament there was enacted a law giving jurisdiction to the county courts over small debts, but containing a limitation of the jurisdiction to debts under 20*l.* He was far from saying that this was to be considered as a final limitation, and that it might not be desirable that some extension of the jurisdiction should take place; but he thought that such a change ought not to be hastily adopted, especially when it was accompanied by other alterations in the law, which would render those courts no longer applicable to the mere recovery of small debts, since they would approximate to the procedure and process of the superior courts at Westminster, the expenses of which were almost a bar to the prosecution of small demands. The limit of 20*l.* was not an arbitrary limit. It was adopted as answering to the limit which was fixed at the original constitution of the county courts, regard being had to the alteration in the value of money since that time. It was adopted, also, with a reference to the rule established in the superior courts, that a new trial ought not to be granted when the sum in dispute was under 20*l.*, unless some point of law had been wrongly ruled. The hon. Gentleman opposite, the Member for Lewes, now moved to extend the jurisdiction of these courts from 20*l.* to 50*l.*, and in actions of tort from 5*l.* to 20*l.* He (Sir G. Grey) begged the House to bear in mind that it was asked to assent to a Bill which was virtually an abolition of all restriction or limitation in the extent of the amounts to be recovered before these courts, for it had been intimated that a further extension would be proposed, if the experiment of debts under 50*l.* was found, after a short trial, to be successful; and this, too, was to be accompanied with increased salaries to the judges and officers of the court. They must, therefore, by such a proceeding, incur a great additional expenditure; and if the fees received in the county courts were insufficient, they would throw a heavy burden on the Consolidated Fund. It might be a fair subject for inquiry before a Committee whether 20*l.* should be the limitation of jurisdiction for these courts; but he thought the House would act most injudiciously and improperly to adopt this Bill of the hon. Gentleman, not only with an extension of the jurisdiction of the court, but with the other provisions to which he had alluded. With respect to the provision in the Bill that the salaries of the judges should be increased, he must remind the House, that by the present law the maximum salary of a judge of one of these courts was 1,200*l.* In the first instance the judges were paid by fees, but it was directed that after a certain period the Government should commute these fees into fixed salaries. It had been found that the duties of the judges did not vary in amount to any great degree, for although some might have to decide a greater number of causes, others had to travel over extensive districts to visit the different courts under their jurisdiction; it was, therefore, thought that there should be an equality in their salaries. After due consideration, the salaries of the judges of these courts were fixed at 1,000*l.* a year each, and experience had shown that that amount was amply sufficient for the purpose. The hon. Gentleman proposed to take the maximum salary, allowed by the present law, and make it the minimum salary, so that he would at once increase all the salaries from 1,000*l.* to 1,200*l.* a year, while the maximum salary proposed to be given was 1,500*l.* a year. It was also proposed that there should be an increase in the salaries of the clerks, who were far more numerous than the judges; and owing to the different nature of their appointments, there had hitherto been some difficulty as to commuting their fees for fixed salaries. According to the present law the maximum salary to be paid to one of these clerks was 500*l.* a year; and the hon. Gentleman proposed in his Bill that it should be extended to 800*l.* a year. At present, in all cases where the clerk's fees exceeded 500*l.* a year, they were paid that salary; but this was only the case in about fifteen instances. In all the other courts the fees were considerably below 500*l.*, and they were still in the receipt of their fees. Inquiries were now and had been for some time going on into the subject, but at present they could not adopt any uniform rate of salary instead of fees. In the fourth clause, it was proposed to enact that an action might be brought in the court of the district in which the plaintiff resided or had resided within six months of the time of the summons being issued. This would materially alter the jurisdiction of these courts, for a plaintiff might take out a summons in Cornwall to bring an action against a person residing at the other end of the kingdom, by which much hardship might be occasioned. The hon. Gentleman, moreover, appeared to feel that they could not safely extend the jurisdiction of these courts, unless they could secure the attendance of a learned bar to watch the proceedings. The hon. Gentleman proposed in the fifth clause, with the view of attracting a bar to these courts, to do away with the present limitation of 1*l.* 3*s.* 6*d.* as a fee to a barrister, and that the Lord Chancellor for the time being should be allowed to regulate the fees to be taken by barristers and attorneys, a provision which, in addition to other proposed alterations, tended to increase expense, and alter the character of the courts. An appeal also was to be given, but altogether different in its nature and effect from a new trial in one of the superior courts. He would only add that he thought the House would act imprudently if it adopted the Bill. If, however, the Bill should proceed, he should object strongly to the increase of the salaries of the judges of these courts, as he believed they were amply sufficient for the purpose at present; and he should propose other amendments in the Bill, in order to preserve the essential character of these courts, on which their efficiency and popularity depended. With the view of testing the opinion of the House, he should move as an Amendment that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. LAW seconded the Amendment.

MR. J. EVANS said, it was notorious under the old system, that debts under *20l.* could not be recovered; but this could be done by a cheap, simple, and ready process at present. The question then was, whether they should not concede to the almost unanimous voice of the country, and extend the jurisdiction of these courts to debts to the amount of *50l.* When the question was last before the House, he asked his hon. and learned Friend the Attorney General, whether he would advise any client to go into a court for the recovery of a debt of *50l.*, if he had to go to one of the superior courts. His hon. and learned Friend did not answer, but he was quite sure what would be the advice that he would give. A party could bring an action for *50l.*, if contested, and gain it, he would not say with the loss of the whole amount, but with a great portion of it taken away for the payment of his own additional costs. The right hon. Gentleman the Home Secretary said that it would be proposed next year, by the hon. Gentleman who brought in this Bill, or by some other hon. Member, to extend the jurisdiction of these courts indefinitely; but this was surely an argument *in terrorem*, for the same thing might have been urged as a ground against the Bill for the recovery of debts under *20l.* He thought it was an admirable thing that a man could get judgment for money owing to him in one of these courts at a reasonable charge, and within a comparatively short time; but he could not do this without great anxiety and serious expense in one of the superior courts. He knew also in some of the superior courts that a decision on a trial had been given on the part of the Judge on pitiful quibbles, which would have been scouted in one of the county courts. In a case in which he was engaged as counsel, the whole case was put a stop to by its being overruled that a mere literal error in copying on the part of an attorney's clerk was fatal to the case, by which the plaintiff was saddled with heavy costs. He should be prepared to show when the proper time came that the practice and proceedings of these inferior courts might advantageously be extended to the superior courts. The real question was, whether they would allow parties having debts of *50l.* owing to them to recover them or not? He should give his cordial support to the second reading.

MR. S. MARTIN felt this to be another step to do away with trial by jury in civil cases. As had been before stated, if the argument was good in this case, it was equally so for stretching the jurisdiction of the courts to debts of *1,000l.* From the earliest times the decision of causes in this country had been left to a jury as to the facts of the case, and to a judge as to the law. This might be comparatively unimportant in undefended causes for *50l.*, *100l.*, or *1,000l.*; but in any disputed case, whether for *20l.*, *50l.*, or *100l.*, they ought to have a jury to decide on the matter of fact. The chief argument which he had heard in favour of the Bill was, that the proceedings in the superior courts were expensive and complicated in every case, and were prolonged to an unnecessary extent. Now, all who knew anything of the practice of the courts were aware that for one case decided in, fifty were settled out of, them by the opinion of counsel. He believed it was the very worst mode of proceeding that could be adopted, for one person to decide both as to the law and facts of the case. As to the expense of carrying on a suit in one of the superior courts, he could speak from experience of the operation of four different systems of law. The Dutch law at the Cape of Good Hope far exceeded the cost of English law. In point of complexity, length, and expense, it was more than double the charge of a suit in our courts. This was also the case with regard to the French law in Canada. He had been recently engaged in the proceedings previous to the adjudication of a case before a court of law in France, the costs of which were such that he would venture to say that it could have been decided at half the expense on this side of the water. He would appeal to his hon. and learned Friend the Attorney General as to the accuracy of his statement on this point. He might be told that he had a personal feeling in the matter; but he would state that persons in such a position in the profession as his hon. and learned Friend the Attorney General, and his other learned Friends around him, as well as himself, had a direct interest that the superior courts should have their attention directed entirely to the more important legal questions which might arise. He believed others might suffer by such a change, but it would have a contrary effect on persons in rather extensive practice. He was far from saying that the administration of the law in the superior courts might not be amended, and he should be glad to see many things done to reduce the expenses of suits; but he believed the Government alone would effectively do this, and it would be a mere waste of time for any private Member to attempt to do so. He would more particularly call the attention of his hon. and learned Friend the Attorney General to the expense of the proceedings in the Judges' Chambers, which were enormous, and which ought not to be allowed to exist for an hour. When the Judges were not on circuit the fees were not so heavy, but immediately they went on circuit they were increased to an amount which was enormous. It was a most monstrous anomaly not to allow the Judges' clerks to receive fees at other periods, but immediately circuit commenced they demanded them. He had heard an instance of the clerk of one of the Judges having received from this source such a large sum as 2,000*l.* The House had given these persons salaries of 500*l.* a year, which he could not conceive was not amply amply sufficient for that class of persons, and they ought not to be allowed to exact fees. Some provision in this respect ought to have been made in the Act abolishing the payment of the officers of the courts out of fees. Again, the payment of all fees in trials at *nisi prius* should be got rid of; but there might be some difficulty in this matter which he was not aware of. He could not conceive why in the proceedings before the Judges sitting in banco there should be no fees, while in those at *nisi prius* there were very numerous fees. His right hon. and learned Friend the Member for Hull would recollect a case of this kind which came under their notice; it was an undefended action tried on circuit, and although it did not occupy above a minute, the fees amounted to 5*l.* He was sorry the suggestion of Lord Langdale had not been adopted, by which all the officers of the courts of justice would be appointed by the Government, as other public functionaries, and would be made responsible to it for the due discharge of their duty. He believed by such an arrangement they might do away with an expenditure of several thousands of pounds. If the House attended to such suggestions as those he had made, he was satisfied they would try actions as cheaply in the superior courts of Westminster Hall as in any other way. He really believed the administration of the law might be made as cheap in this as in any other country in the world.

MR. CHRISTOPHER thought if any arguments of great weight had been used to convince the House of the necessity of acceding to the second reading of this Bill, they were those which had been adduced by the hon. and learned Gentleman who spoke last; for in the latter part of his speech he went into details which were new, at any rate to him (Mr. Christopher), if not to the House, as to the abuses which existed in the administration of the law in the superior courts. This Bill went to a considerable extent to remedy this state of things, and it was a measure called for from one end of the country to the other, with the exception of certain gentlemen of the legal profession in Westminster Hall; it was, therefore, the duty of the House to sanction its second reading. His right hon. Friend the Home Secretary had stated some grave objections to certain clauses in the Bill, such as the proposed increase in the salaries of the judges of the courts. In that objection he entirely concurred. He wished to call the attention of the House to the state of things which existed in Scotland. In each county in that kingdom there was a judicial officer, who had more extensive power than they gave to a judge of a county court in England, but who only received half his salary. He alluded to the sheriff-depute of the county. That judge was allowed to take cognisance of debts—not of 20*l.* or of 50*l.*—but of debts of any amount whatever. His attention had been more particularly called to this Bill by several of his constituents, who complained that, in consequence of the expense of recovering debts in this country, many small traders were obliged to forego debts of 40*l.* or 50*l.*, or reduce them under 20*l.*, so that they might get speedy redress at a moderate charge. He spoke, of course, under correction of the legal authorities around him, but he believed that under the County Court Act either of the parties could demand to have a jury empanelled, and that the judge, on such application, was obliged to summon a jury. He did not agree with those who thought there was not sufficient experience of the former measure to justify the present proposal, and he thought that as the experiment of the 20*l.* courts had proved so satisfactory to the country, the House was perfectly able now to judge whether the principle should be extended. If there ever were a case that called for the interference of the House, it was the present. For his own part, if these means of recovering a debt of 20*l.* were so advantageous, he should say extend the principle further, and enable parties to recover debts of 100*l.*, or even 500*l.* Any objections to details might be settled in the Committee; and as he believed the measure to be a good one, he should give it his cordial support.

Colonel THOMPSON said, he wished to insert a piece of evidence for *quoad valeat* in support of some of the positions of the hon. Member who last spoke. He remembered some years ago hearing an eminent Member of that House, and City banker, declare that any man alive should sue him to the amount of 500*l.*, and he would make no resistance. There might have been a portion of hyperbole in this declaration, but it looked very much like a state of things which might be amended, and which it would be difficult to make worse.

Mr. CLAY said, the right hon. Gentleman the Secretary of State for the Home Department had repeated the question which he had put before, where was the House to stop as regarded the amount? Let the jurisdiction of the county courts be increased to that amount within which it was notorious that no sane man would go into Westminster Hall. The expense of proceedings in the county courts could never approach that of the superior courts. The country was beginning to open its eyes to a great deal of the absurdity of special pleading. The last ten volumes of reports were full of cases, the decisions in which turned on nothing but points of practice, without reference to the great principles of jurisprudence. The question of salaries was not material to the merits of the Bill; it might safely be left to the Committee. He believed that if the Bill passed, its working would be found so advantageous that some of them would live to see many causes of that class in which the hon. and learned Gentleman the Member for Pontefract was interested, no longer tried in the superior courts. He would be glad to see such reforms proposed by members of the legal profession; but as they would not originate them, others must come forward. It was, perhaps, too much to expect gentlemen who had spent a great part of their lives in legal studies to confess that a large portion of the science to which they had devoted their lives was mere mystification.

Mr. E. B. DENISON said, it behoved the House to be cautious in their proceedings with respect not only to this but to other Bills now before them relating to the administration of the law. The House seemed disposed to make rather a rapid progress in this sort of legislation, both with respect to property and with respect to crime. There was a Bill before them giving magistrates an extensive summary jurisdiction over juvenile offenders, by which it was proposed to raise the summary jurisdiction over accused persons from the age of 14 to the age of 16. His own experience had shown him, that many crimes were committed by persons about fifteen years of age, which rendered this proposition a matter for serious deliberation. There was also another Bill, originally part of the same measure, but it was divided into two, by which even adults in cases where the value of the property was less than a shilling, were to be subjected to the same summary jurisdiction. There appeared then a disposition in the House to increase the jurisdiction of the magistrates beyond what it now was, and without resorting to trial by jury. Now, it was proposed to extend the jurisdiction of the county courts—not, he admitted, without trial by jury—but to increase it from 20*l.* to 50*l.* It was true there had been petitions in favour of this measure; but then it was perfectly well known that when an Act of Parliament had worked well, very many persons could be induced to sign petitions in favour of the extension of its principle who were not at all aware of the true bearings of the question, and therefore it was the duty of the House to consider well what would be the real effect of the Bill. One objection he had to the measure was, that it would do away with a great deal of the benefit of the County Courts Act. Parties satisfied with that Act would soon become dissatisfied with the operation of this Bill. Without any disrespect to the judges of the county courts, he must express the apprehension, that with the power of appeal given by the Bill, the decisions of those judges would not give satisfaction in one case out of ten. Such were the impressions conveyed to his mind by conversations on the subject with a considerable number of intelligent persons. He thought that Bills of this consequence and magnitude affecting the law of property, ought to be brought in by the Government of the day; and in saying this, he, of course, meant no disrespect to the hon. Member who had charge of it. The right hon. Baronet the Home Secretary had stated the main objections to the Bill, and he (Mr. Denison) would vote with him; not that he would object directly to the extension, if he thought it would work satisfactorily to the country, but because he did not think the country had had sufficient experience of the existing Act, to enable them to decide upon the expediency of extending it. The two other Bills to which he had alluded, ought also in his opinion to have been brought in by the Government.

Mr. MITCHELL said, no commercial man would recommend a client to go into the courts to recover 100*l*. He would like to hear the hon. and learned Attorney General contradict that statement. Not above one in a hundred commercial disputes ever came into the law courts, partly because of the expense, and partly because the case might be decided on a technical point, rather than on the question at issue.

Mr. HENLEY said, he should vote with the right hon. Gentleman the Home Secretary against the second reading, on the ground that if the Bill passed it would effectually destroy the existing county courts, which were working very well. He conceived it impossible if they were to overlay the judges of those courts with larger sums and business and interests of a more extensive character, and with cases to be conducted by counsel, that they could pay the proper attention to smaller cases, and he believed that decisions as to smaller sums would be hurried over. He doubted, therefore, whether that system which worked well now, would continue to work satisfactorily to the class of persons who now approved of and benefited by it. The arguments in favour of the Bill might be good as applied to the superior courts, but they were not arguments for taking the business from them and giving them to other courts; for how could the enormous expense of keeping up our courts of law be justified, if now by legislation it was to be decided that they were unfit to do the business of the country? The hon. Member for Bridport was mistaken, if he supposed that those complicated commercial cases he alluded to, and which were now submitted to arbitration, would be brought into these county courts. But the great objection to the Bill, let hon. Members say what they would, was, that it would knock up trial by jury. This optional jury was the best mode that could have been selected to knock up the system altogether. There was another objection to the Bill. By a recent decision in one of the superior courts, attorneys were secured in their charges, not in the county court, but for getting up the case; and thus the door was opened to all sorts of preliminary expense before the cause could be brought into court. There was the effect of the system also upon imprisonment for debt, which was no slight matter. By the returns it appeared, that the number of persons imprisoned for debt in England, in 1845, was 2,490. In 1846 the County Court Act came into operation, at the close of the year, and the number of debtors imprisoned got up to 3,874; and in 1848 the number was 8,782, an enormous increase in so short a period. Was the House disposed hastily to extend such a privilege? Under all the circumstances, he was disposed to vote against the second reading, but he did not in so doing pledge himself against voting for some future extension.

Mr. COCKBURN would cordially support the second reading of the measure. He agreed with what had been said of the caution that should be observed in dealing with these matters; but he thought when they had gathered that throughout the whole country there was but one unanimous opinion as to the excellence of these courts, the House would not be wanting in caution if they enlarged their jurisdiction. He could not see any great difference in dealing with the sum of 20*l*. and the sum of 50*l*. It was much the same thing; and if the courts had worked so well, why not extend their jurisdiction? He did not concur with those who objected to the measure as having a tendency to abrogate trial by jury; nor could he agree with the hon. and learned Member for Pontefract, as to the value of trial by jury in civil actions. No man entertained a more profound estimation of the value of trial by jury in criminal cases; and in civil cases no doubt a jury might be had in certain localities to render most efficient and essential service. A jury in Westminster-hall, or Guildhall, presided over by one of the superior Judges, presented one of the finest specimens of judicature in the world, and he could not well imagine a more complete tribunal. But if he regarded the ordinary run of juries, such as were had at the assizes in the country, he must own that many years professional experience had not raised his confidence in them; and he thought that a single judge, a man of experience, education, and knowledge, would decide causes much better. When Gentlemen talked of the importance of trial by jury, they forgot that in the principal courts of this country—the courts of equity—property in its masses, and in its most important relations, was dealt with without the intervention of a jury? Besides, the Bill allowed a party who desired it to call for the intervention of a jury; and it was a striking fact that parties very rarely, if ever, availed themselves of this right under the existing Act. An hon. Gentleman had observed, that the presence of a bar was important, and had a beneficial effect as a check upon the judge. He admitted the truth of that; but it should not be forgotten that the Bill provided for the presence of barristers in cases of sufficient importance to call for their assistance, and consequently there would be always some members of the bar likely to be in court. The Bill also gave the power of appeal to the superior courts; so that the judge of the inferior court would always be kept in check by the consciousness that his decision might be appealed against and revised. Another objection was, that if the jurisdiction was extended, these courts would have to deal with matters beyond their competency, and the interests of the parties might be thereby prejudiced. But if points of law were likely to arise, the Bill enabled the action to be brought in the superior courts; subject only to the condition that, if the judge who tried in the case in the superior court thought the case was not of sufficient importance to have been brought there, the plaintiff would not get his costs. With regard to the appeal, it should be open to the plaintiff as well as the defendant to appeal; a very little alteration would render the Bill complete in that respect. Besides, the existing Act gave power to remove causes to the superior courts by leave of a judge; so that the means were given to remove questions of magnitude and importance; and the operation of the Bill would be therefore limited to the class of cases in which there ought to be cheap, easy, and quick administration of justice. The expense of proceeding in the superior courts could never be reduced to the same rate as in the inferior courts; and even if the process of the superior courts were simplified, the difficulty would still remain, that, except in London and Westminster, justice throughout the country was administered by them at intervals of twice a year only. There were long periods during which, with the best cause of action, a person could not recover a debt; a year might pass away, and if there were a question as to the admissibility of evidence, or on any point of law, a second year might elapse before the case was ripe for decision. This appeared to him to afford an unanswerable argument in favour of a cheap and summary mode of recovering debts. When his hon. and learned Friend the Member for Pomfret said that the administration of the law was as perfect as it could be made, he concurred with him so far as the tribunals were concerned. The character of no judges could stand higher than that of the English Judges; but when that remark was extended to the law itself, he denied it. It was a delusion to say that we had a simple and well-ascertained law. Look at the multitudinous volumes of statutes and reports in which the law and the decisions of the courts were contained; why, it was a very serious expense to any man to take in the reports of the ordinary sittings of the courts from day to day. Know the law, indeed! when you constantly saw one court differing from another, aye, and Judges differing from one another, sitting in the same court. It took the life of a man to make himself thoroughly conversant with the law of England. To the subject the law of England was a sealed book, and he could not stir a step in the ordinary concerns of life without the assistance of lawyers. This was not a state of the law in which a man should get up in the House of Commons and eulogise it. He looked upon it as a thing deeply to be deplored that these things could be alleged by him with truth; but he thought it was one of the best signs of the times, whatever the hon. and learned Member for Pontefract might say, that the lawyers as a body were becoming deeply sensible of the defects of the system, and anxious to correct them. The best proof of this was, that legal reformers were to be found in the law officers of the Crown; the hon. and learned Solicitor General had distinguished himself pre-eminently as a law reformer, and the hon. and learned Attorney General himself also stood forward in that capacity, for he had given notice of a Bill for simplifying and altering the law of pleading. He rejoiced to perceive that that there was a great tendency to simplify and improve the law. When the hon. Member for Oxfordshire called on them to beware lest they should legislate too rapidly, he quite agreed that they should do nothing for the amendment of the law without being sure that they were treading on safe ground; but he could not wonder at the disposition which existed on the part of the public and the House to legislate rapidly, because all must feel that the period of legal reform had been too long delayed, to the infinite suffering and distress of the people, and he feared it must be added to the no small disgrace of the Legislature. He would only say, in conclusion, that the Bill had his cordial approval and support; and, though there might be some details, in which it was capable of receiving improvement, he believed it would be on the whole a most valuable amelioration of the law.

The ATTORNEY GENERAL said, notwithstanding the imputation which had been cast out, that members of the legal profession were biassed by selfish interest in their views respecting this measure, he should not shrink from openly and candidly stating his opinion of its merits, being, as he was, utterly indifferent to any such imputations. He felt so perfectly satisfied that, if this Bill were to pass, it would violate the rights of the subject, that he should be regardless of his public duty if he were not to offer it his decided opposition. If the House thought it consistent with their duty to pass this measure, upon them let the responsibility rest; but being convinced that if the Bill passed there would be a general outcry against the administration of the law, he warned them that they would, most probably, have to retrace their steps. He wished to observe, with respect to the suggestions his hon. and learned Friend the Member for Pontefract had offered to himself and the Members of the Government, for the reformation of the methods of proceeding in use in the superior courts, that the subject had not escaped the attentive consideration of the Government. Every one familiar with the practice of those courts must feel that it was deserving of consideration. The arguments of the hon. and learned Member for Haverfordwest were directed, not to the immediate question raised by the Bill, but rather to the general system of legal procedure and conduct of business; and it would be time enough to discuss these subjects when the hon. and learned Member should bring forward any measure which might propose to modify them. The hon. Member for Bridport complained that many causes were lost, upon technical objections, but it should not be forgotten that the nature of those objections was matter of opinion. What one person might call technical, another might describe differently. The hon. Gentleman had asked him whether he (the Attorney General) would advise any merchant in the city of London to bring an action for 100*l.* in one of the superior courts? To that he replied, that if the issue involved points of mercantile law, unquestionably he would; and if the hon. Gentleman asked him whether he would advise such an action to be brought in any of the county courts, he should say, certainly not. To try a question of mercantile law for 50*l.*, 80*l.*, or 100*l.*—though working satisfactorily as a court for the recovery of small debts—a tribunal of that sort was utterly inadequate. His hon. and learned Friend the Member for Southampton, by way of meeting this objection, had urged that the Bill gave power to the plaintiff to sue in any court he liked on application to the Judge; but no such option was given to the defendant. Did not his hon. and learned Friend think it very hard that a wealthy merchant might sue a poorer person in the superior court, availing himself of the provision in the Bill, whilst the defendant was practically debarred from following him? The arguments urged on behalf of those who supported the Bill had been directed, not to show the advantages of extending the sum forming the subject of action to 50*l.*, but to the general question of the jurisdiction of the inferior courts; and if they were good for an extension to 50*l.*, there was no reason why they should not be good for 100*l.*, or any other sum you chose. He contended that the safe limit for all practical purposes was 20*l.*, being the sum below which a person could not be arrested. He wished to make no imputation whatever on the gentlemen connected with the county courts; he admitted their popularity, acting as they had done for suits under 20*l.*; but he suspected that the clause for the regulation of salaries, by which the salary of the judge was to be increased to the minimum of 1,200*l.*, and the clerk to be paid by a salary instead of by fees, had had a great deal to do with this Bill. Circulars had been sent round, signed by a clerk, to the mayors of boroughs, inclosing the form of a petition which prayed for a salary, and suggested that the officers of these courts should be largely paid. He would read a part of this circular, to the following effect:—

> "I supply you with a short form of petition; but as every semblance of collusion should be avoided, and as that is best secured by each petition being prepared in the locality whence it emanates, it is advisable not to adopt the exact terms of that sentence. There are loud complaints in many districts against the fees now exacted, and hopes have been held out by the Government that the schedule will be revised, a percentage to be levied instead, and the officers to be paid by salary; but the result of calculations made by the Treasury shows that this could not be effected without increasing the jurisdiction."

The petition accompanying this circular set forth—

> "That the officers' fees are at present unequally levied in various districts; your petitioners, therefore, pray that business fees be repealed, and a poundage charged instead thereof. Your petitioners think that all public officers should be paid by salary, and especially those connected with courts of justice, in order that they may be maintained without reproach. Your petitioners see no reason why a regard for the privileges of the bar should be an obstacle to the increase of the jurisdiction of these courts; when the individual interests of all other classes have been required to be abandoned for the public good, the immunities of the advocate can have no peculiar claim to an exception."

This document emanated from a gentleman whom he knew to be a clerk in a county court, and who apparently had a notion that by this Bill some 400*l.* or 500*l.* a year might be added to his income—it was dated from Furnival's-inn. He believed that the motives to which he had alluded had had a great deal to do with the promotion of this Bill; but it was satisfactory to him to hear that there was a general concurrence in the House against the increase of the clerks' salaries, and that, whatever might be the fate of the measure, a clerk who could not be content with 500*l.* or 600*l.* a year, need not expect to obtain 1,200*l.* The judges, of course, could have no desire to have the minimum of their salaries fixed at 1,200*l.*, as they were perfectly prepared to discharge the duties of their office at the rate now fixed. He presumed, therefore, whatever might be the result of the proposition now made, no alteration would take place in the salaries. He now proceeded to the question of jurisdiction. It was proposed to raise the jurisdiction for small debts to 50*l.* It must not be supposed, however, that the only matters brought before the court, on which it would have to decide, would be simple cases of contract debts. Cases of mercantile law, underwriters' policies, and other complicated questions, would come to be determined by it; every question arising upon title up to the value of 50*l.*, actions for assault and battery, or breach of contract, involving important questions of evidence, cases of obstruction to light or injury to property might also be determined, so that a machinery designed to provide an improved process for recovering small debts might be converted to very different purposes. So sweeping was this general measure, that not only would it take the jurisdiction from the superior courts up to 50*l.*, but every manorial, local, and district court would be affected by this Act of Parliament. Even those such as the court at Liverpool, possessing a perfectly efficient bar and officers, would be abrogated. Very ingeniously did one of the clauses, without distinctly specifying what would be its effect, abolish every one of those inferior courts; because, if you recovered less than 5*l.* in those courts, you lost your cause. Again, the Bill offered a premium and temptation to perjury by allowing persons to be witnesses in their own cases. It might be desirable to adopt that course in small amounts; but he warned the House to pause before they extended it to large sums, where the temptation might be too strong to be resisted. At the last assizes indictments for perjury were preferred in many places against parties who had given evidence of this nature. It was proper that there should be an opportunity of examining every party as far as the production of books or documents went; but no man who had had experience in the profession, acting as arbitrator, had ever examined a plaintiff or defendant in their own case unless positively driven to that course. He stated it advisedly upon the observation of one of the most experienced men in the profession, the late Mr. Vaughan Williams, who declared that his uniform practice was, never to examine the parties, because the temptation was irresistible to the plaintiff and defendant to swear point-blank against each other. He believed, in fact, that this would turn out a mere plaintiff's court. The Bill would shake the security of the courts, and destroy the opinion of the public in the purity of the administration of justice. It was a matter, therefore, of considerable doubt and danger. There were many cases brought before a court of this nature in which no proceeding would have been taken unless the party had known that he was to be sworn in his own case; but very often there had been an opportunity of contradicting him, and the result had gone against him. There were cases, also, in which parties had yielded to a demand utterly unfounded, rather than subject their wives or themselves to an investigation of this kind. Again, many persons were encouraged to make demands, simply because the case was to be brought into court. In spite of what had been said on the other side, he considered it of the utmost importance to have a bar present in court. You required the check and control of the bar. He had seen over and over again a Judge who was about to pronounce his decision on a matter, checked by the opinion of the bar, reconsider it, and arrive at a different conclusion. You wanted a bar, constantly and vigilantly attending, not merely through expectation of profit, but with the view of learning their profession. It was the assent or dissent of the public, and of lawyers uninterested in the cause, which acted as a check on the judge; but in these courts there would neither be a bar nor the press. But, after all, it was not the amount of the jurisdiction that constituted the chief objection to the Bill in his eyes. He feared that the local nature of the interest at stake would prejudice the judge, for here they had a judge not changing from one circuit to another, but constantly residing in one neighbourhood. That objection was fatal to the Welsh jurisdiction formerly; it was abolished, yet they were about to create another open to the same objection. It seemed to him that the Bill was full of objections, and being satisfied that it would shake the confidence of the country in the courts of justice, he called on the House to pause before they agreed to this extension of jurisdiction upon arguments which might carry the principle to an unlimited length.

Mr. AGLIONBY supported the Bill. The speech of the hon. and learned Gentleman who had just sat down was characterised more by declamation than by argument, and for himself he concurred, with one single exception, in the arguments employed by the hon. and learned Member for Southampton, in the able speech which he had addressed to the House. Without hesitation, he (Mr. Aglionby), asserted that those who had tried the county courts were satisfied with them, and wished to see their jurisdiction extended. He could not defend the circular which had been read by the hon. and learned Attorney General; but he asked whether a measure in all respects wholesome was to be upset because an injudicious clerk of a county court chose to send round an improper circular? He placed no weight on the perjury part of the question. The power of examining plaintiff and defendant had been given to arbitrators, and he was convinced that the possession of that power had been found of great advantage. For his own part, he believed that no danger was to be apprehended from allowing plaintiff and defendant to meet face to face in the witness-box. He heeded not the warning, and gladly took his share of the responsibility which the hon. and learned Attorney General threw upon the supporters of this measure.

Mr. MULLINGS gave his cordial support to the second reading. He could not understand the course pursued by the Government on this occasion, when, on the previous evening, they had brought in a Charitable Trusts Bill, which placed under the jurisdiction of those very county court judges charities to the amount of 30,000*l.* per annum, whilst they now hesitated to trust them to decide upon cases of property to the amount of 50*l.* What a relief would this Bill be in the case of the small shopkeeper who had owing to him perhaps a debt of 50*l.* If he attempted to recover it in the superior courts the proceedings would, even when successful, cost 10*l.*; whereas in the county courts he could recover for as many shillings. If he had yielded to private solicitations he would not have supported the Bill; but believing, as he did, that it would benefit the community at large, he should give it his hearty support. With regard to what had been said about the chances of perjury, he believed that that was more likely to occur in the smaller class of cases than in the larger.

Mr. HUME said, that the hon. and learned Attorney General had not given a very clear answer to the question which had been put to him by the hon. Member for Bridport, whether he would advise a client to go into the superior courts for a debt under 100*l.* The hon. and learned Gentleman had stated that he would not advise him to go into a county court in such a case; but he had not given a satisfactory answer with reference to the superior courts. He (Mr. Hume) would also appeal to the hon. and learned Gentleman to say whether any complaints had been lodged against the proceedings of the county courts as now established? He believed that early, speedy, and economical decisions were what the community at large wished for, and, believing that this Bill would facilitate that object, he supported it.

The ATTORNEY GENERAL, in reply to the first question of the hon. Member, said that it would depend upon the nature of the demand, and the particular circumstances of the case, whether he would advise a client to go into any of the superior courts for a debt under 100*l.* With respect to the other question, as to whether there had been any complaints lodged against the administration of justice in the local courts, he declined to give any answer.

Mr. FITZROY replied. He considered it was unworthy of the high position of the hon. and learned Attorney General, as the representative of the law of this country, to undervalue, as he had done, the expression of public feeling in favour of this measure. There was no evidence whatever that any of the petitions which had been presented to the House had been got up by the party to whom the hon. and learned Gentlemen had referred. He would ask whether the petitions which had been presented from Greenwich and the Tower Hamlets in support of the Bill could possibly have received so many signatures as they exhibited if there had been no stronger feeling in its favour than what could have been created by a clerk of a county court? The argument of the hon. and learned Attorney General appeared to be directed solely against the courts as they now existed; and if the hon. and learned Gentleman really felt so strongly against these courts as he professed to do, why did he not bring in a Bill to repeal their jurisdiction as it now stood? With respect to the right of appeal which the Bill contained, he begged to say, that when he introduced the measure last year, he was told by the right hon. Gentleman the Secretary of State for the Home Department that it would be an excellent one if it was accompanied by the right of appeal. [Sir G. Grey: Quite the contrary.] He (Mr. Fitzroy) certainly so understood the right hon. Gentleman, and so had the gentlemen who took down their proceedings; for he was so reported in all the papers. He (Mr. Fitzroy) believed that it would be far better if the right of appeal were left out; but he had introduced it on the express understanding that the Government would not otherwise consent to the introduction of the Bill.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 144; Noes 67: Majority 77.

List of the Ayes.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Arkwright, G.
Barrington, Visct.
Berkeley, hon. H. F.
Blackstone, W. S.
Blandford, Marq. of
Bramston, T. W.
Bremridge, R.
Bright, J.
Brockman, E. D.
Brown, W.
Buck, L. W.
Buller, Sir J. Y.
Busfeild, W.
Buxton, Sir E. N.
Carew, W. H. P.
Castlereagh, Visct.
Cavendish, hon. G. H.
Chatterton, Col.
Christopher, R. A.
Christy, S.
Clay, J.
Clay, Sir W.
Clive, H. B.
Cobden, R.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Collins, W.
Colvile, C. R.
Conolly, T.
Cotton, hon. W. H. S.
Currie, H.
Currie, R.
Damer, hon. Col.
Deedes, W.
Dod, J. W.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duff, G. S.
Duncan, G.
Duncombe, hon. O.
Egerton, W. T.
Emlyn, Visct.
Evans, J.
Ewart, W.
Fitzwilliam, hon. G. W.
Forester, hon. G. C. W.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Fuller, A. E.
Gibson, rt. hon. T. M.
Gooch, E. S.
Greenall, G.
Grenfell, C. P.
Grenfell, C. W.
Hall, Sir B.
Hall, Col.
Halsey, T. P.
Hardcastle, J. A.
Harris, R.
Headlam, T. E.
Heald, J.
Henry, A.
Herries, rt. hon. J. C.
Heywood, J.
Heyworth, L.
Hildyard, R. C.
Hodges, T. L.
Hornby, J.
Howard, hon. J. K.
Howard, P. H.
Hume, J.
Kershaw, J.
King, hon. P. J. L.
Knox, Col.
Lacy, H. C.
Langston, J. H.
Lennox, Lord A. G.
Lindsay, hon. Col.
Lopes, Sir R.
Loveden, P.
Lushington, C.
Mackie, J.
Meagher, T.
Manners, Lord J.
Matheson, Col.
Meux, Sir H.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Morris, D.
Naas, Lord
Norreys, Lord
O'Connell, M. J.
Packe, C. W.
Patten, J. W.
Pechell, Sir G. B.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Plumptre, J. P.
Pugh, D.
Rendlesham, Lord
Ricardo, O.
Richards, R.
Romilly, Col.
Sandars, G.
Scholefield, W.
Sibthorp, Col.
Sidney, Ald.

Smith, J. B.
Sotheron, T. H. S.
Stafford, A.
Stuart, Lord D.
Stuart, Lord J.
Stuart, H.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townley, R. G.
Townshend, Capt.
Tyrell, Sir J. T.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, H. S.
Walmsley, Sir J.
Walpole, S. H.
Walter, J.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P. B.
Williams, J.
Willoughby, Sir H.
Wilson, M.
Wodehouse, E.
Wood, W. P.

TELLERS.

Fitzroy, H.
Mullings, J. R.

List of the Noes.

Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brotherton, J.
Chaplin, W. J.
Chichester, Lord J. L.
Childers, J. W.
Cowper, hon W. F.
Craig, Sir W. G.
Dalrymple, Capt.
Denison, E.
Denison, J. E.
Divett, E.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Fellowes, E.
Fergus, J.
Fordyce, A. D.
French, F.
Grace, O. D. J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Halford, Sir H.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Henley, J. W.
Hobhouse, rt. hon. Sir J.
Howard, Lord E.
Howard, C. W. G.
Jervis, Sir J.
Lascelles, hon. W. S.
Law, hon. C. E.
Lewis, G. C.
Lockhart, W.
Long, W.
Lygon, hon. Gen.
Macnaghten, Sir E.
M'Neill, D.
Martin, S.
Maule, rt. hon. F.
Moody, C. A.
Morgan, H. K. G.
Morison, Sir W.
Mulgrave, Earl of
Napier, J.
Newdegate, C. N.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Power, N.
Rich, H.
Romilly, Sir J.
Russell, F. C. H.
Seymour, Lord
Sheil, rt. hon. R. L.
Somerville, rt. hon. Sir W.
Spooner, R.
Strickland, Sir G.
Tufnell, H.
Wall, C. B.
Wilson, J.
Wyvill, M.

TELLERS.

Hill, Lord M.
Bellew, R. M.

Main Question put, and agreed to.

Bill read 2°, and committed for Thursday, 2nd of May.

Mr. HUME asked whether, after the demonstration of the feeling of the House which had just been made, the Government would persevere in opposing so salutary a measure?

Sir G. GREY said, he should feel it to be his duty to object to any increase of the salaries of the judges; but he could not undertake to say whether any further opposition would be given to the measure by the Government.

PUBLIC LIBRARIES AND MUSEUMS BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. EWART said, that with a view to obviate the objections made by several hon. Members on the second reading of the Bill, he proposed to make two important alterations in it. The first was, to limit the operation of the Bill to boroughs whose population exceeded 10,000; and the second was, to make it necessary for the town council of any borough, before determining to carry this Act into effect, to call a public meeting of ratepayers and to obtain the distinct consent of those present. He begged to state also, that in Warrington, Liverpool, and other places, a movement had already commenced in anticipation of the passing of this Bill, to form public libraries freely accessible to all the inhabitants.

Colonel SIBTHORP moved, as an Amendment, that the Bill be committed that day six months. The amendments which were to be proposed did not at all alter his objections to the measure, which remained the same as on the second reading. He objected to give any town council power to levy rates for this purpose, whether the population over which they presided exceeded 10,000 or not. He had no hesitation in saying that the city which he represented did not desire any such measure as this; at least he had never heard of it if they did.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into a Committee," instead thereof.

Mr. SPOONER seconded the Amendment.

Mr. NEWDEGATE granted that it was most desirable that the means of information should be supplied to the people; but he believed that whenever that want was strongly felt it would be met in a mode far less objectionable than the one proposed by the present Bill. He was quite certain that those who considered the present period as one in which they were justified in taxing the public for objects not of immediate necessity, had totally miscalculated the feeling both of counties and boroughs. He defied any one to deny that the pressure upon the agricultural body was rapidly extending itself to the towns. This, then, was not the time for conferring new powers of taxation.

Mr. STANFORD said, that the hon. Member for Dumfries, while he proposed by the Amendment of which he had given notice that the town council should obtain the consent of two-thirds of the ratepayers present at the public meeting called by them before carrying the Act into effect, did not provide that any particular number or proportion of the whole ratepayers should be present at such a meeting. He (Mr. Stanford) thought, too, that three days was too short a notice of such a meeting. There should be at least ten days' notice. He cordially concurred in the object of the Bill, but it ought to be carried out in a fair and honest spirit. There was another objection he had to state. The fifth clause provided that admission to such libraries and museums should be free of all charge; but it did not follow that admission would be perfectly free, since town councils might impose recommendation as a preliminary. He considered that means should be taken to secure adequate publicity for any meeting to carry out the measure, and further that in all cases the rector or vicar of the district should be *ex officio* a member of the council of management.

Mr. HUME begged to remind the House that this was a permissive, not a compulsory measure.

Mr. LAW objected to the Bill, as one which enabled the richer and more influential inhabitants of a community to tax the poorer inhabitants for their own special purposes. Nothing could be more tyrannical than to place in a municipal body the control over a library purchased without the consent, and perhaps against the will, of one-third of the inhabitants of the district, and not practically accessible even to the considerable proportion of those who paid for it. Another most objectionable feature of the Bill was, that it empowered a town council to mortgage, for the purpose of building a library, not only the separate rate authorised by the Act, but the borough rates generally.

Mr. BERNAL said, that on a former occasion he had opposed the Bill, on the principle that it was unjust to tax the population of a district without their consent; but the Amendment now proposed to be inserted by his hon. Friend the Member for Dumfries removed this objection, by providing that no rate should be imposed under the Act upon any borough without the consent of two-thirds of the ratepayers present at a public meeting convened for the purpose, it being further provided that the population of any borough to which the Act was extended must not be under 10,000. He was quite ready to support the measure so amended.

Mr. BROTHERTON considered taxation most beneficial that tended to raise the character of the people; and, after all, the tax which this Bill permitted—for it was a permissive measure merely—was only one halfpenny in the pound. It was most incorrect to describe this as a Bill to enable the richer inhabitants of a borough to collect libraries for their own use at the expense of the poorer inhabitants. The hon. and learned Gentleman the Member for the University of Cambridge grounded his opposition to the Bill by misrepresenting every part of it. The Bill was entirely permissive, and no step could be taken under it without the consent of the ratepayers. The Bill did not authorise the purchase of books at all, but merely the erection of libraries in which to keep books that might be collected in a district by subscription or donation, for the general benefit. It was most shortsighted policy to object to taxation for any such purpose. Here were 2,000,000*l.* a-year paid for the punishment of crime, yet hon. Gentlemen objected to permitting communities to tax themselves a halfpenny in the pound for the prevention of crime. In his opinion, it was of little use to teach people to read unless you afterwards provided them with books, to which they might apply the faculty they had so acquired. It was well known that the large bulk of the labouring classes had not the means of buying books of their own; and, therefore, the next best thing was to collect in every town libraries for their free use. He was satisfied that expenditure upon this object would be productive not only of immense moral good, but of very material public economy, in the long run. It was a melancholy thing to find the members of the universities of learning taking a foremost position in this opposition to the spread of knowledge. Did those gentlemen and their constituents imagine that no one except themselves was to know anything?

Mr. BUCK objected to the measure, as one imposing fresh taxation upon the already overburdened agricultural interest. If the Bill proceeded, he should certainly demand the exemption of that interest from the liabilities it created. As to the town councils, he considered them, of all bodies, the least proper to be intrusted with such powers as those given by the measure.

Mr. WALTER said, he wished to put a question that appeared to him of considerable importance, in reference to the contemplated working of the measure. Supposing these libraries built and furnished with books, were the public in each district to be at liberty to take the books they wanted to read home with them, or were they to be obliged to read them at the library? He considered this a very material point, involving a very serious dilemma. If the books were to be lent out in considerable numbers, great inconvenience, he thought, must arise; and, on the other hand, if the public were not allowed to take the books they wanted home with them to read at their own firesides, but were compelled to read them in the library, he conceived the Bill would be of very little practical use, since it would be quite impossible to afford accommodation in the library for so large a population as that contemplated for each district, while to compel the population to go to the library to read the books they wanted would be altogether opposed to those domestic habits of the humbler classes to which we owed so much of the benefits of our social system.

Mr. BROTHERTON said, he could reply to the question only in this way, that in Salford, where the library contained 6,000 volumes, it had been hitherto found impossible to lend the books out; but so soon as enough books should be collected it was desired to make it a lending library.

Mr. C. ASNTEY said, it was absurd to talk of the agricultural interest being injured by this Bill. The tax would be a general one, for the benefit of all classes alike. The object of the Bill was to enable the town council to provide buildings and places for the reception of books and works of art and science. There could be no question but that they would have presents enough sent in if the places for their reception were once provided.

Lord J. MANNERS said, there was another objection to this Bill, which he believed had not been alluded to, but which he thought of considerable weight. By agreeing to it the Legislature would show a disposition to regard in a more favourable light scientific institutions and museums, than churches, hospitals, and other charitable institutions. If the hon. and learned Attorney General were present, he should like to have asked him whether in point of law this Bill did not go much farther than the application of rates to the mere construction of the fabric?

Mr. OSWALD said, he understood that the Bill would not extend to Scotland; but unless words were introduced stating that point specifically, he should feel it his duty to oppose the further progress of the measure.

Colonel CHATTERTON wished to know if the hon. Gentleman also intended to make the Bill extend to Ireland?

Mr. EWART said, it was not intended that the Bill should extend to Scotland. With regard to Ireland, he believed many hon. Gentlemen connected with that country were anxious that Ireland should be included in its provisions; and if the majority of the Irish Members were in favour of the extension, he was quite willing to accede to the proposition. He regretted that no less than three of the Members for the Universities should have opposed the progress of a measure for the establishment of public libraries. The hon. and learned Member for Cambridge University was mistaken in supposing that the Bill would authorise town councils to mortgage the general rates for the purposes of the Act; the Bill only authorised them, according to his intention at least, to raise money upon the security of the particular rate, and he (Mr. Ewart) was quite ready to adopt any words more completely securing this provision. With regard also to what had fallen from the hon. and learned Gentleman, he denied that it was a measure for the peculiar advantage of the rich. On the contrary, it was far more the poor man's than the rich man's question; and in proof of this he might refer to the library at Salford, which was found to be frequented by the poor far more than by any other class.

Mr. BRIGHT considered that one-half of the objections against the Bill were not fairly put forward, while the other half did not apply. The objection of the hon. and learned Recorder seemed to rest solely on the ground that the people would have the opportunity, if this Bill passed, of learning many things which they did not now know, and of which he thought they should still remain ignorant. [Mr. Law: I said nothing of the kind.] No; the hon. and learned Gentleman did not say so in so many words, but that was the inference to be drawn from his remarks; and the colleague of the hon. and learned Gentleman on the last occasion when this subject was under discussion, said that the people would by this Bill have the opportunity of going to these libraries and reading the newspapers—the *Daily News*, and other such pestilential publications. But the day had gone by for such narrow-minded exclusiveness. The objestion of the hon. Member for Devonshire was still more extraordinary. He (Mr. Bright) had never before heard that the town councils presided over large agricultural tracts of country. He could not say what might be the case in the hon. Gentleman's locality; but he knew something of Salford, Manchester, and other manufacturing towns, and he did not believe that in any one of them could a farmer be called on to contribute to the tax which would be raised under this Bill. In the small towns, where agriculture ran almost into the town itself, town councils did not exist, and the Bill would not apply. The hon. Member, therefore, need not be apprehensive that his constituents would be called upon to pay any rate under this Bill. But even if they were, he could not see on what just ground the landlords should seek to deprive the farmers of having access to a good supply of books and publications at a cheap rate. The hon. Gentleman reminded him of a story he had heard of a farmer in the hon. Gentleman's own county (Devonshire), who, on being told that he should read the newspapers, and ascertain the state of the markets, replied that his father when he died had left a large number of newspapers, and until he had read those he could not think of buying any more. The hon. Gentleman ought, if he considered what was most likely permanently to benefit the agricultural body, to encourage the dissemination of useful information amongst the farmers and labourers. But if it were true, as the hon. Gentleman said, that the agricultural constituencies had no interest in the Bill, then the hon. Gentleman's objections did not apply. He believed, in the boroughs generally, not only the town councils, but the majority of the ratepayers, were favourable to the measure, which was entirely permissive in its character. He was informed that in the State of New York there were hundreds of such libraries; and if they were desirable there, surely they were equally so here. He believed that great public advantage would result from the Bill, and therefore he gave it his cordial support.

Mr. LAW, in explanation, complained that the hon. Member had misrepresented his sentiments altogether. He had on no occasion expressed the slightest disinclination to the communication of the fullest information to the public—his objection was simply against the wealthy inhabitants of these boroughs coming to Parliament for powers to tax the poor ratepayers to provide the funds for establishing these libraries, instead of coming forward and establishing them by subscriptions raised amongst themselves.

Mr. ROUNDELL PALMER did not understand why, if this Bill were good for England, it was not equally good for Scotland, or why the inhabitants of Dumfries were not to have the opportunity of improving their minds as well as those of Salford. The question of the principle of the measure having been decided on the second reading, he regretted that any opposition had been offered to going into Committee; but as it was, he should be compelled to vote in accordance with the view he had previously taken, believing with his hon. and learned Friend the Recorder that it would be far better to establish these libraries by means of private subscriptions than by a general rate.

Mr. BUCK begged to inform the hon. Member for Manchester that in many boroughs at least one half the municipal rates were paid by persons connected with the landed interest.

Mr. SPOONER said, that the borough of Birmingham for nearly two miles on one side, and for more than two miles on the other, extended into agricultural districts, the farmers occupying which would have to bear their full proportion of the proposed tax. As to the United States, the libraries there, he believed, were not maintained by taxation, but mainly by private subscription.

Mr. HUME said, that the libraries in the United States were supported by taxation and by voluntary contributions in equal proportions.

Mr. PLOWDEN stated that he voted against the second reading of the Bill, because, in its then condition, he considered it involved a principle of compulsory taxation; but the Amendment now introduced by the hon. Member for Dumfries having entirely removed that objection, he should have great satisfaction in giving the present

Motion for going into Committee his cordial support.

Mr. W. J. FOX considered that the Bill would confer a most valuable boon upon the intelligent and studious among the middle and poorer classes. In forming public libraries for such persons, the great difficulty was to obtain secure places of deposit for the books, the firm possession of which could be guaranteed. He had known several instances in which persons among the labouring classes had accumulated a considerable number of volumes, amounting even to thousands, but those libraries were at last broken up for want of the firm and independent possession of a place in which they might be deposited. The difficulty of obtaining buildings for the establishment of libraries was a serious one to persons of that class—one which they could not themselves be expected to surmount; and he thought the great landed interest of this country, and the ecclesiastical and literary interests, with their possessions and preferments, ought not to grudge assistance to their poorer brethren for the object of providing the necessary buildings. There were many persons whose libraries contained numberless volumes with which they could very well dispense, and whose mere duplicates would often furnish very valuable libraries for the poorer classes; but these books were not contributed to public libraries, simply because there was no safe and permanent place of deposit for them. The Bill proposed to obviate this difficulty; and he hoped, therefore, that the House would allow it to go into Committee.

Mr. MUNTZ said, he had voted against the second reading of the Bill because it gave a power of taxation without any check upon the exercise of that power, and because the hon. Member for Dumfries would not pledge himself to introduce a clause giving the ratepayers the power of determining the amount of such taxation. Many hon. Gentlemen voted against the Bill on that occasion upon the same ground; and it was therefore unfair to say that a majority of the House was opposed to the principle of the Bill. The hon. Member for Dumfries had, however, since given notice of his intention to introduce clauses which would obviate his (Mr. Muntz's) objections to the measure, and he would therefore vote in favour of the Motion for going into Committee.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 99; Noes 64: Majority 35.

List of the Noes.

Arkwright, G.
Baillie, H. J.
Bankes, G.
Bernard, Visct.
Blackstone, W. S.
Bowles, Adm.
Bremridge, R.
Buller, Sir J. Y.
Carew, W. H. P.
Chatterton, Col.
Christopher, R. A.
Clive, hon. R. H.
Clive, H. B.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Conolly, T.
Deedes, W.
Denison, E.
Disraeli, B.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Fellowes, E.
Fuller, A. E.
Gooch, E. S.
Gordon, Adm.
Halford, Sir H.
Halsey, T. P.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hornby, J.
Knox, Col.
Lacy, H. C.
Law, hon. C. E.
Lennox, Lord A. G.
Lockhart, W.
Lopes, Sir R.
Lygon, hon. Gen.
M'Neill, D.
Manners, Lord J.
Meux, Sir H.
Mullings, J. R.
Naas, Lord
Newdegate, C. N.
Oswald, A.
Packe, C. W.
Palmer, R.
Plumptre, J. P.
Ricardo, O.
Richards, R.
Smyth, J. G.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stuart, J.
Vyse, R. H. R. H.
Walpole, S. H.
Walter, J.
Wegg-Prosser, F. R.
Wellesley, Lord C.

TELLERS.

Sibthorp, Col.
Buck, L. W.

Main Question put, and agreed to.

Bill considered in Committee; Mr. Bernal in the chair.

On Clause 1,

Mr. EWART proposed the following alteration in the first clause as it stood originally in the Bill:—

> "After the words 'it shall be lawful,' to insert 'for the Town Council of any municipal borough—the population of which, according to the last account taken thereof by authority of Parliament exceeds 10,000 persons—for the purpose of determining whether this Act shall be adopted for such borough, to convene a meeting of persons rated to the relief of the poor within such borough, by notices signed by the mayor, or five members at least, of the said council, and given three clear days at least before such meeting by fixing the same on or near the door of the town-hall of the said borough, and on or near the door of the church or chapel of every parish or chapelry wholly or in part within the said borough, stating the special purpose of such meeting; and, if it shall be resolved at such meeting, by two-thirds of the voters there present, that this Act shall be adopted, then it shall be lawful for such Town Council.'"

Mr. STANFORD suggested that fourteen clear days' notice of the meeting should be given, instead of three; to which Mr. Ewart acceded.

Mr. STANFORD them moved a proviso

to the clause, providing that no rate should be enforced unless one-third of the ratepayers should be present at the meeting.

MR. BROTHERTON said, that would tend to defeat the object of the Bill, as they could not expect in a town of 70,000 or 80,000 inhabitants, that one-third of the ratepayers should attend.

MR. STANFORD then said, that he would suggest an alteration in the Amendment which he had already proposed, to the effect that not less than one-third of the whole number of ratepayers in the borough should be present at the meeting, and that no ratepayer should have a right to vote who should be in arrear of his poor-rate.

MR. HAYTER objected that there was no machinery in existence by which the number and proportion of the ratepayers of a borough could be ascertained.

MR. BROTHERTON said, that in the borough of Manchester, where there were some 30,000 to 40,000 ratepayers, it would be impossible to find a room that would hold the third of the entire number.

SIR B. HALL suggested, that instead of holding a meeting at which a certain proportion of ratepayers should be present, it would be better if a requisition or paper were previously prepared, which should be signed by a proper proportion of the ratepayers.

MR. NEWDEGATE approved very highly of the suggestion made by the hon. Member for Marylebone. It would be very easy to pack a meeting, and a requisition duly signed would give the only guarantee against the possibility of such a trick.

The CHAIRMAN inquired if Mr. Stanford intended to press his Amendment?

MR. STANFORD thought the proposition of the hon. Member for Marylebone the best that had been made; but unless he were assured that the Committee meant to adopt it he should press his own.

MR. EWART said, that at that hour, and under all the circumstances, it would be better to proceed no further that day. He should, therefore, suggest that the hon. Member for Marylebone should draw up a clause embodying his suggestions, which could then be taken into consideration, and he would move that the Chairman report progress, and ask leave to sit again.

SIR B. HALL declined to frame a clause. If the hon. Member for Dumfries would look into the 1st and 2nd William IV., he would find such a clause already drawn.

The House resumed.

Committee report progress; to sit again Thursday, 9th May.

The House adjourned at three minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 11, 1850.

MINUTES.] PUBLIC BILLS.—1ª Brick Duties; Exchequer Bills; Pirates (Head Money) Repeal; School District Contributions.

House adjourned 'till To-morrow.

HOUSE OF COMMONS,

Thursday, April 11, 1850.

MINUTES.] PUBLIC BILLS.—1° Technical Objections Restraining; Naval Prize Balance; Indemnity.

2° Court of Session (Scotland); Distressed Unions Advances and Repayment of Advances (Ireland).

Reported.—Parliamentary Voters, &c. (Ireland); Stamp Duties; Highways.

3ª Judgments (Ireland);

THE MASTER OF THE BIDEFORD UNION WORKHOUSE.

MR. BUCK begged to ask the right hon. and learned Gentleman the President of the Poor Law Board whether any inquiry had been instituted into the conduct of the master of the Bideford union?

MR. BAINES replied, that he understood the question of the hon. Member to refer to the inquiry promised by the Poor Law Board into the conduct of Mr. Surman, the master of the Bideford union workhouse, with reference to the treatment of the poor girl whose shocking death had formed the subject of a late judicial investigation. In the course of that trial there was something said by Mr. Surman which induced the Poor Law Board, as soon as the report of the case appeared, to determine upon instituting an inquiry into his conduct, and he had stated, before the Easter recess, that instructions had been issued to that effect. When these instructions, however, went down into the country, it was found that Mr. Surman had already resigned his office as master of the Bideford workhouse, and, consequently, he was no longer an officer under the Poor Law Board. Of course, he was no longer amenable to the jurisdiction of that board, and it was impossible to pursue the inquiry, the object of that inquiry being to ascertain whether Mr. Surman was fit to continue in the situation which he held. Another reason for not pursuing the inquiry was, that another prosecution had been instituted against the Birds, and, of course, these matters would come under investigation before the ordinary tribunals. If, however, the question of the hon. Member referred to the general conduct of Mr. Surman, he had the satisfaction of stating, that the chaplain, the surgeon, and the board of guardians of the Bideford union, all spoke of him in the highest terms.

DEANERIES.

Mr. HORSMAN said, that a Bill was before the House which had for its object the raising of the income of certain deaneries from 1,000*l*. to 1,500*l*. per annum. Since the introduction of that measure, the deanery of Salisbury had become vacant, and he was anxious to know what course the Government meant to take with respect to it. He was also desirous of knowing whether the appointments to deaneries which had recently become vacant had been made on the understanding that the persons obtaining them must submit to any alteration of duties or income which Parliament might make?

Lord J. RUSSELL said, it was true a Bill had been brought in for the purpose of raising the incomes of the deaneries of Wells and Salisbury from 1,000*l*. to 1,500*l*. a year, the holders of those preferments having accepted them on the understanding, and in the expectation, that by the existing law they were entitled to that sum. In future, however, the income of those deaneries, as well as all other deaneries, would be limited to 1,000*l*. a year. It was also the intention of the Government to propose that no dean appointed after the 10th of April should hold any benefice with the care of souls at a greater distance than three miles from the cathedral city in which his deanery was placed. If that regulation should be sanctioned by Parliament, it was impossible to expect that any person would accept a deanery having an income less than 1,000*l*. a year. Indeed, the Bishop of Salisbury was of opinion, that, taking into consideration the expenses to which a dean was necessarily subjected, and the sums which he had to disburse in charity, they would be placed in an embarrassing position if they had an income of no greater amount than 1,000*l*. a year. With respect to the other point to which the hon. Member had adverted, he begged to state that he had informed persons who had accepted deaneries that they might expect to receive a fixed sum instead of a variable income, in accordance with the report of the Ecclesiastical Commission; but he had not given them to understand that they would receive a less amount than they did at present.

Mr. HORSMAN was not sure that he correctly understood what had fallen from the noble Lord on one point, and, therefore, begged to ask whether the future Dean of Salisbury was to receive a larger income than other deans?

Lord J. RUSSELL replied in the negative: all deans would receive 1,000*l*. a year each.

Subject dropped.

THE VERNON GALLERY.

Mr. HUME begged to ask the noble Lord at the head of Her Majesty's Government, whether the Government had considered, or was willing to consider, the expediency of retaining the Vernon collection of paintings in the National Gallery, and accommodating the Royal Academy with rooms in Marlborough House? He did so in consequence of the Committee which had been appointed to report respecting the Vernon pictures of which the right hon. Baronet the Member for Tamworth was a Member, having recommended that the Vernon collection should be placed in the National Gallery, and that the Royal Academy should be allowed to remain there until it could obtain premises suitable to them elsewhere; but the course stated by the noble Lord the other evening appeared to be directly contrary to this.

Lord J. RUSSELL replied, that it was the intention of the Government to act in conformity with the report of the Committee. It was intended that the Vernon collection should occupy a portion of the National Gallery, and accommodation should be provided for the Royal Academy elsewhere. This was in conformity with the report of the Committee, and it was certainly the intention of the Government. The question then was, what should be done at the present moment. It appeared far more easy, and better for the Vernon pictures, which were originally in the private house of Mr. Vernon, to be placed for the present in a house like Marlborough-house, than to attempt to fit up that place for the exhibition of the Royal Academy. It would cause a great deal more expenditure to fit up that place for temporary accommodation of the Royal Academy than for the Vernon collection.

It must be recollected that this was only a temporary arrangement, as Marlborough-house was destined to be the future residence of the Prince of Wales.

Mr. HUME observed, that if the Vernon collection was removed to Marlborough-house it would require an additional number of persons to look after them.

Subject dropped.

PARLIAMENTARY VOTERS (IRELAND), BILL.

On the Motion of Sir W. Somerville, the House resolved itself into Committee on this Bill; Mr. Bernal in the chair.

On Clause 38,

Viscount CASTLEREAGH stated that it was not his intention to persist in proposing the Amendment of which he had given notice, for the substitution of a 12*l.* for an 8*l.* franchise. He should not do so, as he had not received that support which he thought he had a right to expect in that House. His opinion, notwithstanding, remained unchanged.

Lord J. RUSSELL said, the hon. Member for the county of Limerick had asked, before the Easter recess, the Government to take into consideration a plan which he suggested, for adding to the constituency of certain boroughs a number of qualified inhabitants of non-parliamentary boroughs in the neighbourhood. He had promised that the proposition should meet with consideration, and he would then state the course which had been adopted by the Government. The matter had met with very attentive consideration, and he had communicated with the Under Secretary in Ireland, and other parties who were supposed to possess some knowledge of the subject. The result was that many objections appeared to exist against entertaining the proposition in the present Bill. In the first place, there were two modes in which such a proposition could be carried into effect; both modes were very different in principle, as they probably would be in detail. The one would be the adding very large towns which had not members themselves to the existing boroughs; thus they would combine all the considerable towns in the various counties in the borough constituency of Ireland. The other plan was to add some of them to the very small boroughs, so as to give the latter a sufficient number of electors. The proposition of his hon Friend the Member for Roscommon proceeded on the former plan, and he proposed that not less then eleven boroughs, with more than 10,000 inhabitants, should receive an additional number of votes from the towns in the neighbourhood. He owned that it appeared to him that the principles was very objectionable. A great advantage, he conceived, existed in combining the inhabitants of certain towns as well as the country voters in county constituencies. If they collected all the towns, so as to make a complete separation between the county and borough representatives, he conceived that it would have a very injurious effect. He believed, by the mixing up of many electors residing in towns in the representation of counties, they gave a more popular effect to the county representation than would otherwise be the case. This was also a question which would give rise to considerable debate. The second plan confined the arrangement to those places where there was only a very small number of electors, and adding to these particular boroughs the inhabitants of other towns in the neighbourhood. Now, although that certainly would be a much more safe plan to adopt, he was afraid it would tend to lead to a considerable conflict of opinion, and would give rise to a great many local difficulties, and others of a difficult character. It would be a matter of some difficulty to decide which were small boroughs, and in the next to determine what towns should be included in them. This must give rise to very considerable discussion and difficulty; and although a scheme for the purpose had been drawn up and printed with the votes, and although it might be prepared as well as any other that could be suggested, he did not think that, without the most mature consideration, the House should be called upon to adopt it. The whole question, also, required more consideration at the hands of the Government than it had yet been able to afford it, and the Government thought that under the circumstances, it would be much better to adopt the Bill as it stood, and leave this question to be considered in a future Session. He then came to the objections to adopt the Bill as it stood. Great stress had been laid on the assertion that it would lead to a reduction in the constituency in the boroughs in Ireland; but this appeared to have arisen from a fallacy in the returns on which hon. Gentlemen relied, and he did not believe that it would lead to any reduction approaching the extent which had been supposed. Some errors had got into the former returns, and they had been taken as furnishing the actual numbers at present. He would not then go into details, but he would state that his right hon. Friend the Secretary for Ireland had obtained some information on this subject. In the Parliamentary electors return for 1849 the general returns were not specified as they were in the return of 1848, of the number of 10*l.* holders, and also the compound franchise for the 8*l.* rating. It appeared the return of the 10*l.* householders did not give the actual return of those who would have the right to vote. He would give a statement of the probable numbers, as contained in the return which had been prepared under the direction of his right hon. Friend :—

	£10 Householders.	£8 Compound Holders.
Carrickfergus	261	518
Cork	2,688	5,689
Drogheda	355	818
Galway	722	1,163
Kilkenny	276	748
Limerick	748	1,165
Waterford	696	699
Dungarvon	253	510
Mallow	261	263
Wexford	221	635
Youghal	379	518

This would show that there would not be such a reduction in the number of voters as had been alleged. He did not deny that it might appear, under the first registration under this Bill, that in some boroughs the number of electors was very small; and certainly this might lead to circumstances which might require the attention of the House. There might possibly be four, seven, or ten boroughs in this situation; but he did not anticipate more; but it would be well to defer the consideration of what should be done until a future Session of Parliament. For these reasons he was not prepared to adopt at present any plan on this subject. He, however, would at once say that he should not be prepared at any time to support any plan which would include all the boroughs in a county in the town representation, as he believed such a course would be a very mischievous proceeding. He also objected to the separation of trade and agriculture in a county constituency. Such a proposal must excite the most conflicting opinions, and the whole question deserved the most serious consideration of the House.

Mr. MONSELL agreed with the noble Lord in objecting to their excluding all the town electors in Ireland from the county constituencies. That was not his suggestion, and he had disclaimed any participation in it when the hon. Member for Roscommon brought the matter under notice. What he suggested was, that in case of a borough constituency being less than 300, the franchise should be conferred on some adjoining towns to be added to it. The number of boroughs in Ireland which would have less than 300 voters would be 27, while in England there were only 11 boroughs possessing constituencies of less than that number. He was sorry that such a large proportion of the boroughs in Ireland should be left with such small constituencies as would be the case under this Bill. He therefore regretted the noble Lord had not adopted his suggestion. He had reason to believe that the borough of Portarlington, which now had a constituency of 150, would, under the new Bill, only have one of 86. He spoke with some confidence on this point, as the return which gave him this information had been prepared by the poor-law board at Portarlington. Was it just or reasonable that a constituency of 86 should return a Member to that House?

Colonel DUNNE wished to correct an error of his hon. Friend as to the constituency of Portarlington. The number of electors under the Bill as it stood, would be, not 86, but 131. Since the subject was last before the House, he had been over to that place, and he found that the constituency would be greatly increased by a clause which he understood was to be introduced into the Bill.

Clause agreed to, as were also clauses up to 56 inclusive.

On Clause 57,

Colonel DUNNE objected to the words "if he thinks it reasonable and proper that such appeal should be entertained," which left it to the discretion of the barrister whether there should be an appeal or no. There might as well be no power of appeal; for these words made the barrister judge in his own cause. He moved that the words be struck out.

Amendment proposed, p. 31, l. 26, to leave out these words, "if he thinks it reasonable and proper that such appeal should be entertained."

The ATTORNEY GENERAL said, the words were copied from the English Act.

Sir F. THESIGER thought the objection of the hon. and gallant Member to those words was extremely well grounded;

for it was clear that any one having strong opinions might be extremely desirous that his judgment should not be questioned, and might say there was no reasonable cause for an appeal. If his hon. and learned Friend the Attorney General had no better argument for retaining the words than that they were copied from the English Act, he should support the Amendment; for there was no reason for servilely copying the English Bill, and he did not think the words ought to remain in the Irish Bill.

The ATTORNEY GENERAL had intended to say, not only that the provision was in the English Act, but that it had worked well in England, and that he thought it would work as well in Ireland.

SIR F. THESIGER must repeat his objections to the clause as it stood, and urged that, as a matter of policy, it would be better to give an absolute rather than a conditional right of appeal.

LORD NAAS said, that whilst it was intended to assimilate the English and the Irish practice, a very important difference was preserved. In England the revising barrister was appointed from time to time, but in Ireland the assistant barrister was appointed for life, and was therefore beyond the influence of control.

MR. M. J. O'CONNELL: Twenty shillings costs was no check to vexatious objections, and as the system of double appeal had been successfully tried in England, he hoped it would be extended to Ireland. Let Ireland have the same protection against irrational and vexatious objections as England. If there was a risk that the revising barrister might abuse his trust, there was also the danger that advantage would be taken of the unrestricted right of appeal to oppress and break down an opposing party, by persisting in vexatious objections. An increase of the costs would not save them, because it would check proper appeals. He thought the assistant barrister might be safely trusted with the discretion of allowing appeals where he thought proper.

MR. NAPIER said, that the assistant barristers did not hold their office for life, as stated by his noble Friend, but at the pleasure of the Executive Government. In the case of the municipal franchise, a power of appeal to the Queen's Bench was given; but it had not been much used, for he believed there had been only ten cases, a proof that it was not used for vexatious purposes; but the great advantage of an appeal was in the check it held over the inferior judge, of his decisions being liable to be reviewed by the superior courts. He felt the observations of the hon. and learned Member for Abingdon upon this question to be so forcible, that if the hon. and gallant Member for Portarlington did not divide the Committee upon the Amendment, he (Mr. Napier) unquestionably would.

COLONEL DUNNE said, it was certainly his intention to divide the Committee upon the omission of the words.

MR. G. A. HAMILTON said, that if hon. Members would look at the 58th clause, they would see that it was impossible the power of appeal could be made an engine of oppression, because by that clause it was provided that in case of the party in whose favour the decision should have been given, declining to support the decision appealed against as respondent, the assistant barrister should name a respondent.

MR. KEOGH, without wishing to say anything very disparaging of the assistant barristers of Ireland, could not admit that they were entitled to the unqualified praise pronounced upon them by the hon. Member for Kerry. He assured the House he had known one that was blind, and many who had never had any practice at the bar whatever; and he must say that he, for one, was not prepared to intrust them with the power of deciding whether the judicial decision of such a body should be brought under the review of a higher tribunal or not. He had no fear of the power of appeal being used as a party instrument. The hon. and learned Member for the University of Dublin had referred to the 58th clause as containing one check upon that abuse, and he (Mr. Keogh) would refer to the 59th as containing another, namely, the power given to the assistant barrister to consolidate appeals upon the same points of law.

MR. TORRENS M'CULLAGH, in spite of what had been said by the hon. and learned Gentleman, believed that there was not in the community a body of men who discharged their duty either with more satisfaction or more benefit to the public, than the assistant barristers of Ireland. The hon. and learned Gentleman, although objecting to allow the assistant barristers to decide whether there should be an appeal, had apparently no scruples against giving that power to any factious person who might be at war with his neighbours, or who might desire to cripple the franchise.

MR. H. HERBERT had known frequent occasions of numbers of voters who had been rejected by the assistant barrister being placed upon the register on appeal by the Judge of assize. In one instance he knew as many as thirty had been thus placed upon the register. The right of appeal, therefore, did not restrict the franchise, but extended it; but he thought the appeal ought to be to the Judge of assize rather than to the Court of Exchequer in Dublin.

MR. W. FAGAN thought the clause ought to be passed as it stood, because it gave a double right of appeal to the claimant and to the objector.

MR. AGLIONBY, judging from English practice and English opinion, considered the present a wholesale provision, and, unless some reason could be advanced why the law in Ireland should be different from the law in England, he should insist upon their being made as nearly alike as possible. He believed that the Bill would be good for all parties.

MR. WALPOLE said, the only ground upon which the clause was defended was that of analogy with the English Bill. If that analogy failed, there was an end to the argument by which the clause was supported; but before pointing out where it failed, he would observe that the House was gradually getting into the dangerous practice of leaving to judges the power of determining whether there should or should not be an appeal. This practice, which had only recently been introduced, should not be extended. In England the revising barrister was appointed from year to year; in Ireland the assistant barrister was appointed by the Executive Government, and could be removed at their will. The assistant barrister, being then an officer of the Executive Government, it was inexpedient that he should have the discretion of allowing or disallowing appeals from his decisions. Again, in Ireland the same barrister would revise the lists, and he would most probably give the same decisions; whereas in England a different person was selected nearly every year, so that the same legal points were submitted to a different judicial officer. The analogy did not hold in these respects; and, as the clause was objectionable with the words remaining in it, he hoped his hon. and learned Friend the Attorney General would consider the propriety of not insisting upon them.

MR. SHEIL said, that as the law now stood there was no appeal except on the assistant barrister disallowing a vote, and he thought they ought to adhere to it; but where was the evil of a double appeal? It would by no means have the evil effects that some hon. Gentlemen anticipated, because it was confined to questions of law. There could be no appeal on questions of fact; and, under these circumstances, it was right the assistant barrister should have the power of deciding whether the appeal should be given or not.

MR. HATCHELL also remarked that the appeal was confined to questions of law, and he observed that very few appeals could arise on questions of law if the protections were given, as proposed, that existed in the English Act. It had been said that the assistant barristers in Ireland were merely officers of the Executive Government—liable to removal. They were certainly not the fluctuating judges of a revising barrister's court; and when it was said they were removable by the Crown, he would only say that none had been removed by the Crown within his recollection. They must therefore be considered as holding their offices during good behaviour. He should support the clause.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 102; Noes 33: Majority 69.

Clauses as amended agreed to, as were Clauses 58 to 109 inclusive.

On Clause 110,

MR. CONOLLY said, that the clause provided that in cases where a voter's name should be omitted from the list, he might pay or tender the rate to the poor-law guardians, and then claim to be placed upon the list. But he wanted to know what tribunal would have the right to settle any disputes that might arise between the guardians and those persons who might claim to vote, but whose claim should be rejected by the guardians?

The ATTORNEY GENERAL said, that he did not precisely see the drift of the hon. Gentleman's question. As to the amount of rate charged upon the premises, the rate book would settle that question. About it there could be no dispute. The only question that could arise would be as to the occupancy, and if the guardians should refuse to accept the money tendered by a person calling himself the occupier, and to place his name upon the list, he might tender his vote; and if the election chanced to be decided by one or two votes, the question of occupancy would be decided by a Committee of the House of Commons. There was no occasion to appoint any other tribunal.

Mr. CONOLLY said, that he would divide the Committee on the question that the clause be negatived.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 125; Noes 42: Majority 83.

Clauses 111 to 117 agreed to.

Remaining clauses agreed to.

House resumed.

Bill reported; as amended, to be considered on Monday 22nd April.

DISTRESSED UNIONS ADVANCES AND REPAYMENT OF ADVANCES (IRELAND) BILL.

Order for Second Reading read.

Lord J. RUSSELL moved that this Bill be read a Second Time.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Colonel SIBTHORP said, he did not expect that the noble Lord would bring forward so important a Bill at so late an hour. He had moved for certain returns on the 21st of February, with regard to grants and loans made to Ireland within the last few years, but he found that it was impossible to obtain them, though he had very good authority for saying that the Government were in possession of a great many of those returns. However, they had not thought proper, and they knew the reason why, to lay them before the House. On so important a matter, the whole of those returns ought to have been printed, not next week, but before the Motion for the second reading of the Bill was brought forward. He objected to any further grants being made, but not from an unkind, unchristianlike, or illiberal feeling, for he disdained any feeling of that kind. He objected to this grant of 300,000*l.* being given by the people of England, because he had reason to believe that there were fully eight millions owing to them now; and when would they get it? He did not charge the sister kingdom, or any individual in it, with an unwillingness to pay, but they had not the means; and the misrule of the Government had placed that kingdom in its present unfortunate and melancholy position. He had a right to ask, on the part of the people of England, out of whose pocket this money would come—was it to be the last, and would the Government say it was not a bribe—a low dirty bribe to please the Irish? He would tell the noble Lord they were too honest men to be led away by such paltry bribery. The Government might lay traps and spring guns, but they would catch no game. They were not dunghill cocks; they were real game cocks in that country. It was the duty of the noble Lord to give those returns, or postpone his Motion until they were furnished; but no, forsooth, he should bring forward his Motion. However, he (Colonel Sibthorp) was too cautious for him, and was always on his guard. An important question of this nature ought not to be brought on in this manner at a late hour of the night, and with, in spite of the Treasury whips, a thin House. *Sic volo, sic jubeo,* was the Government motto, but, despite their bugles sounding in every quarter, and their threats of loss of place, they were unable to muster a full House. He decidedly objected to this grant, and should substitute for the Motion he had placed upon the paper, that the Bill be read a second time that day six months, that the House do now adjourn.

Whereupon Motion made, and Question proposed, "That this House do now adjourn."

Mr. F. FRENCH hoped the hon. and gallant Gentleman would adhere to the Amendment of which he originally gave notice, and not put the House to the trouble of dividing on his present proposition.

Lord J. RUSSELL said, that with respect to this Bill the hon. and gallant Gentleman the Member for Lincoln would recollect that he (Lord J. Russell) had wished to bring it forward a considerable time before Easter, and that he had more than once postponed it in accordance with the wish of hon. Members. He could not be accused, therefore, of now bringing it on unawares. He found that certain returns of the amount issued, the amount repaid, and the sum to be repaid, had been ordered in February. Those returns, however, had no immediate reference to this Bill, and of course it required a considerable time to prepare such accounts. An order for them had been immediately sent to Ireland, but they had not yet been received. He could assure the hon. and gallant Gentleman that they were not kept back for any purpose of the Government.

Mr. **BANKES** thought the proposition of his hon. and gallant Friend was not unreasonable, and that they ought to adjourn the consideration of this important question to a time when the House might be better filled and less fatigued than it was at that moment, and when the Members who composed it were less exclusively Irish than those now present; for on looking around him, he saw on that side of the House a majority of Members who could not, he thought, but come to the discussion of the question with a strong bias. Heretofore it had been said to them, when they were called upon to concur in some of those large grants, that they would be the last sums that would be asked; and the noble Lord now said again this was the last time he would call upon the House to make such advances. But he (Mr. Bankes) wished to ask were they to be given as grants or as loans? [Lord J. Russell: This is an advance, not a grant.] He thought that whether they were given in the shape of loans or grants, the result would be very much the same. With regard to this particular case he did not clearly understand, when the noble Lord made his statement, the precise ground upon which he rested this additional claim. He was quite aware the noble Lord made a statement, but it was rather briefly made. For these reasons he concurred in the propriety of the Amendment, and he should vote for an adjournment.

Colonel **DUNNE** was surprised at the remark of the hon. Gentleman who had just sat down with regard to the House being exclusively Irish. Certainly, of late, it had been a matter of serious disappointment to him, when questions of great importance to Ireland had been brought forward, to see nearly empty benches opposite, although, at the same time, he had not found much to console him in the presence of Irish Members on his own side of the House. He did not think that, in giving this grant, they had any guarantee that it would not be asked for again, and he was convinced that every Minister must ask for it so long as the ground which rendered it necessary—the Irish Poor Law—remained untouched. This was a part of the question deserving mature consideration, and for this reason he regretted that the measure came on for consideration at so late an hour. He had another reason for regretting that this measure had been brought forward at so late an hour, and that was that the application of the 300,000*l.* had never been well explained. The first account given by the noble Lord was most satisfactory, but subsequent conversations had not borne out that first statement, and the House had no guarantee as to how the money would be applied.

Mr. H. **HERBERT** concurred in hoping that the debate would be postponed. He had documents with him which would enable him to disprove the assertion of the hon. Member for Dorsetshire, that loans to Ireland were tantamount to grants; but in order to do that successfully it would be necessary that he should go more into detail than he could well do at that late hour. He was prepared to show that the moneys which had been lent to Ireland had been fairly and honestly paid until the heavy misfortune of famine fell upon that country. He was further prepared to show, upon the evidence of Sir John Burgoyne, that for a series of years there was a considerable profit made by England out of the loans to Ireland; and that even during the three years of famine Ireland repaid over a million of the money which had been advanced to her. With reference to what the hon. Member for Dorsetshire had said about the exclusively Irish character of the attendance that evening, he begged to say that it was not their fault that English Members were not present on that occasion—that Members who were usually foremost in every other debate should have deserted the cause of Ireland, and left the representatives of that country to the tender mercies of a Government whose actions they disapproved. With reference to the system of loans, he assured the House that no one condemned them more than he himself did, and that he believed they were caused solely by the disregard of the suggestions of those who best knew the true interest of that country.

Mr. R. M. **FOX** also hoped the debate would be adjourned, in order to afford an opportunity to Irish Members to disprove the charge which had been made with regard to Irish loans. He believed it could be shown that, from the time the two Exchequers were consolidated up to 1828, the advances out of the Consolidated Fund to England and Scotland amounted to 16,000,000*l.*, of which 6,000,000*l.* were repaid, while, for the same period, the advances to Ireland had been only 9,000,000*l.*, of which 7,000,000*l.* were repaid.

The **CHANCELLOR of the EXCHE-**

QUER deeply regretted to find the Irish Members asking for a postponement of this measure, because they, of all men, must know the importance of passing it without delay. The hon. Member for Dorsetshire was quite mistaken in calling this a grant; and he was equally mistaken in supposing that there was no difference between a grant and a loan. He entirely agreed with those hon. Members who had stated that the loans to Ireland had been repaid, when such a result could hardly have been anticipated; but he did not think they would be justified in postponing this measure, in order to afford the Irish Members an opportunity of proving what everybody who knew anything of the subject knew already. If the House were to go into the various questions suggested by the hon. Members for Kerry, Longford, and Portarlington, it would be impossible to say when they would be able to pass this Bill. He appealed to those hon. Members if it would not be absolutely cruel to those unions whom it was proposed to relieve by this Bill, to postpone it for an indefinite period, as they proposed. He could understand those who were altogether opposed to the object of the Bill taking advantage of the forms of the House to delay it; but he must say that Irish Gentlemen, who could not but know the importance of an early decision of this question, rather astonished him when they proposed such a course. The desire to vindicate their country had surely made them forget its immediate necessities.

Viscount BERNARD agreed with the right hon. Gentleman in thinking that the settlement of this question was of the utmost importance to Ireland. It was his strong conviction that this measure, small in amount, would do incalculable benefit to Ireland, and he believed the House would effect great injustice by delaying the progress of the measure.

The O'GORMAN MAHON protested against the observation of the right hon. Gentleman the Chancellor of the Exchequer, in which he sought to identify the body of the Irish Members with an attempt to retard the progress of this Bill. His right hon. Friend totally misunderstood the feeling of Irish Members, if he thought there was any intention of not supporting him in any measure brought forward for the benefit of their unfortunate country. The hon. Member for Dorsetshire had thrown out an imputation against Irish Members generally; but that had been met by the hon. Member for Kerry, and it was also met by a statement made by the right hon. Gentleman the Chancellor of the Exchequer, before Easter, and also again this evening, that loans granted to Ireland generally had been paid in a manner unprecedented, and most unexpected on his part, considering the circumstances of the country. With regard to his hon. and gallant Friend who had originated this debate, he would only say that he had sat with him twenty years ago in that House, and though rapid and Quixotic occasionally in his movements, his hon. and gallant Friend was always well-meaning and cheerful. He believed his hon. and gallant Friend always meant to do good, though he often effected much mischief; but when he told him that millions of his (the O'Gorman Mahon's) unfortunate countrymen had suffered severely during the late years of famine, that thousands of them had died of want, and that thousands more would suffer by any delay of this measure, he was sure his hon. and gallant Friend would consent to withdraw his Motion.

Mr. BANKES begged to assure hon. Gentlemen that he had intended to convey no imputation whatever upon the character of the Irish people. What he had said, and he had said it with regret, was simply, that although Ireland had no doubt repaid as much as she could repay, she had not repaid so much as he could have wished her to repay, and that he feared her powers of repayment were not likely to improve for some time to come.

Mr. M. J. O'CONNELL agreed, that had the Government taken more active measures some time back, there would, in all probability, have been no occasion for this measure; but, as the occasion existed, he earnestly desired that the measure might be passed without delay, and he hoped hon. Gentlemen would not allow their judgment to be so carried away by their feelings as to prevent that result. The hon. and gallant Gentleman would have full opportunity to bring forward his documents in Committee; all that was sought at present was to read the Bill a second time.

Mr. STAFFORD said, he had spent the Easter recess in the districts to which the right hon. Gentleman the Chancellor of the Exchequer referred, and he could testify that such distress prevailed there as to render immediate relief essential. For his own part, he thought it would have been a much more profitable occupation of their time that evening to have discussed the present measure during as much as might have been required for the purpose of the seven hours which had been comparatively wasted upon the Franchise Bill. He trusted that the Government would not bring on the later stages of this important measure at twenty minutes to twelve, as had been the case with the present stage. The right hon. Member for Ripon had declared that the proper opportunity on which to discuss the whole question of the state of Ireland—a subject which had not been fairly brought forward at all this Session —would be in Committee on this Bill; and it was to be hoped the Goverment would provide that opportunity. If the noble Lord opposite would give some pledge to this effect, he thought it would be well to let the second reading take place.

Sir L. O'BRIEN said, he had been for a long time paying very close attention to two unions in his part of Ireland, and he found from his experience there that great economy in the administration of unions was perfectly practicable. At present, however, any efforts in this direction, as he had experienced, were thwarted by the commissioners themselves. For example, he had sent in a plan for reducing the salaries of the officers in the two unions to which he referred from 2,000*l.* per annum to 1,200*l.*, the officers themselves being quite satisfied with the reduction; but the Commissioners had absolutely refused to abate one farthing of the amount. He hoped the measure before the House would not be delayed. The unions were in a perfect fix; the contractors would not go on supplying food, and the wretched paupers must inevitably perish unless immediate steps were taken.

Lord J. MANNERS said, that if the Government would give some pledge that a proper opportunity should be given for discussing the subject in Committee, it would be well to pass the second reading.

Lord NAAS said, that certainly his own vote would depend upon such a pledge being given.

Lord J. RUSSELL could only say, that if the House wished to delay the Bill, and to have a general discussion upon the affairs of Ireland, he was ready to bring on the next stage of the measure at an early hour of the evening, but he could not say that the evening of discussion itself would be an early one. On the contrary, there were various measures left from last Session, which from the pressure of business had not as yet been proceeded with, but which must be taken, and he therefore could give no pledge as to the precise period at which the discussion now required could be entered upon.

Question put.

The House divided:—Ayes 23; Noes 131: Majority 108.

List of the Ayes.

Alexander, N.
Archdall, Capt. M.
Arkwright, G.
Bankes, G.
Best, J.
Booth, Sir R. G.
Chichester, Lord J. L.
Christy, S.
Clive, H. B.
Cotton, hon. W. H. S.
Farrer, J.
Gore, W. R. O.
Halsey, T. P.
Henley, J. W.
Lockhart, W.
Masterman, J.
Mullings, J. R.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stuart, H.
Taylor, T. E.
Verner, Sir W.

TELLERS.

Sibthorp, Col.
Gwyn, H.

Question again proposed, "That the Bill be now read a second time.

Lord J. RUSSELL begged to inform the hon. and gallant Member for Lincoln that the returns to which he had previously referred had already been laid on the table of the House.

Colonel SIBTHORP said they were not upon his table. He should therefore move, as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. SPOONER said, that as the returns had been laid on the table, he thought, according to the usual course of procedure, that the Government should have caused them to be printed. He considered that the fact that those returns had not been printed was a very good reason for adjourning the further consideration of the Bill until the papers were in the hands of hon. Members.

Colonel SIBTHORP said, that he had repeatedly asked the right hon. Gentleman the Secretary to the Treasury about these papers, as he was most anxious that they should be laid before the House; but he had not the least idea that they were already upon the table. He had, therefore, had no opportunity of moving that they be printed.

Mr. HAYTER said, it was true that the hon. and gallant Member had repeatedly applied to him before Easter respecting the returns, but he was not aware that the hon. Gentleman had mentioned them subsequently. The returns in question were now upon the table; but it was not a matter of course that they should be printed.

Lord J. RUSSELL said, that if the Bill was now read a second time the returns on the table could be printed; and if the House entered upon the further consideration of the measure at an early hour on some subsequent evening, a full opportunity would be afforded for discussing the whole question. Unless, however, the Bill was now read a second time, he could not say when it would be again brought before the House.

Mr. BANKES observed, that it was his impression that when papers having reference to a Government measure were moved for, the Government was responsible for their being printed. ["No, no!"] He believed that was the general usage. The Government had shown that they were aware of the importance of these papers by consenting to produce them, and it appeared that they contained information which Irish Members were most anxious, for the character of their country, to have published. He thought, therefore, that the House could not satisfactorily proceed with the discussion of the Bill until the papers were in the hands of Members, and he would vote for the adjournment.

The O'GORMAN MAHON said, that he believed some years ago the hon. Gentleman who had last spoken had held an office connected with the Government in Ireland, and he had occupied a seat in that House for many years. He was, therefore, surprised to hear the hon. Gentleman maintain that papers moved for by an hon. Member must necessarily be printed by the Government without any specific Motion being made to that effect by the Member who required their production. He wished to have the decision of Mr. Speaker on this point, and he asked the right hon. Gentleman whether papers moved for by a private Member must necessarily be printed by the Government, without any Motion for their being printed?

Mr. SPEAKER said, that papers laid upon the table were referred to the Printing Committee, who decided whether they should be printed or not; but when any hon. Member wished to have particular papers printed, it was usual for him to express to the Printing Committee his wish that such papers should be printed.

Mr. MONSELL considered that hon. Gentlemen who opposed the progress of the Bill were defeating their own object if they wanted to extract money from Ireland, because he understood that the Chancellor of the Exchequer had postponed the repayment of advances until this measure was passed.

Mr. BANKES asked if he was to understand that the Irish people meant to pay us with our own money? The hon. Member for Ennis seemed to have made some mistake about his (Mr. Bankes's) having held an official situation in Ireland. He was not aware that he had done so, but, perhaps, it might appear in the papers that had been referred to.

The O'GORMAN MAHON begged pardon of the hon. Gentleman if he had made a mistake.

Lord J. RUSSELL said, he would arrange that the next stage of this Bill should be taken at an early hour in the evening, when, the returns being in the hands of Members, a full discussion could take place. But if he was to understand that the intention was now to oppose the Bill by repeated Motions of adjournment, he would say, let a division take place, and let the real character of the opposition be seen.

Mr. STAFFORD had voted with the hon. and gallant Member for Lincoln on the last division, because he understood that several Irish Members wished the debate to be adjourned; but as that did not seem to be the case, he would now support the noble Lord.

Motion, made and Question put, "That the Debate be now adjourned."

The House divided: — Ayes 6; Noes 134: Majority 128.

List of the Ayes.

Archdall, Capt. M.	Halsey, T. P.
Arkwright, G.	
Best, J.	TELLERS.
Cotton, hon. W. H. S.	Sibthorp, Col.
Gwyn, H.	Spooner, R.

Question, "That the word 'now' stand part of the Question," put, and agreed to.

Main Question put, and agreed to.

Bill read 2°, and committed for Friday, 26th April.

The House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Friday, April 12, 1850.

MINUTES.] PUBLIC BILLS.—1^a Judgments (Ireland); Alterations in Pleadings.
2^a Brick Duties; Exchequer Bills.
3^a Convict Prisons.

CONVICT PRISONS BILL.

Order of the Day for the Third Reading read.

EARL GREY moved the Third Reading of this Bill.

LORD LYTTELTON said, that he was not aware that the noble Earl (Earl Grey) intended on the second reading of the Bill to have entered into the whole question of transportation. As the noble Earl had, however, taken that opportunity of expressing his opinions, he also was anxious now to make a few observations on the subject. He had too strong a conviction, founded upon his own recollections of office under the late Government, of the frightful evils which had attended our former systems of transportation, and of the great difficulties which must always attend any attempt to deal with this question, not to wish heartily well to any attempts which might be made to alter and improve the existing system. In many respects he believed that the plan now proposed by Her Majesty's Government was an amendment on that system. Until a comparatively recent period the object which was always had in view in secondary punishments, was to deter from the commission of crime those who had not hitherto rendered themselves amenable to the law, while the reformation of those who had committed offences was wholly lost sight of. They had now been engaged for some time in endeavouring to combine the two systems, of deterring from crime and reforming the criminals. Those who held strong opinions upon either of these objects of punishment, entertained doubts as to the possibility of combining them. Archbishop Whately and Sir W. Denison, and those who held their opinions, always spoke of the permanent reformation of the prisoner as little better than an amiable delusion, and contended that the main object to be kept in view in all punishments was the deterring from the commission of crime. On the other hand, Captain Maconochie, when treating of the subject, invariably spoke as if the idea of deterring from crime was to be kept wholly in the back ground, and even as if those who were criminally disposed might as well at once commit crime in order to pass through the beneficial and healing process which he proposed. The present plan offered some hope of success in this attempt at combination of the two objects; but he wished to point out that its whole force and efficiency depended upon what was proposed to be done with the prisoners at home previous to their deportation; for the colonial part of it was nothing more in effect than a revival of the old assignment system, though with some improvements in detail. Upon the arrival of the prisoners in the Australian colonies, they were subject to no penal discipline, and the prisoners who were here undergoing their punishment, looked forward with hope, as might be seen in the report on Portland prison, to the period when they could obtain their tickets of leave. The fact was that the Government did for the prisoners what they would not do for the honest labourers, namely, gave them a free passage to a country of comparative happiness and plenty, where they might spend in quiet the remainder of their lives. The only chance which existed of counteracting this was that of inflicting such a formidable period of punishment at home as would have a sufficiently deterring effect to counterbalance the advantageous prospect held out to the prisoner upon his arrival in another country. With respect to the colonies, he was glad to express his decided approval of the conduct of the Government in not having forced upon the colony of New South Wales the reception of convicts after an unfavourable expression of opinion on the subject by the legislature of that colony: any attempt to do so against the declared will of the colonies would be a most fatal step for any Government to take. He might, perhaps, agree with his noble Friend opposite in the opinion that, taking everything into account, the people of New South Wales had committed an error with respect to their own interest by refusing to receive the convicts; and that, perhaps—[Earl GREY: Hear, hear!]—they had failed in their duty in declining, as their legislature had done, without assigning any reason, to continue the reception of convicts in the colony; but, at the same time, he thought that the Government at home had acted perfectly right in at once deferring to the views which they entertained on the subject. Experience had shown that it would be a vain experiment to force the reception of convicts on any colony against its will.

He was sorry, however, to except from his expression of approval the conduct of the Government in refusing to comply with the distinctly expressed wish, on the part of the colony of New South Wales, that the Order in Council reconstituting that colony as one to which convicts might be conveyed, should be revoked and removed from the Order-book. The conduct of the Government in this respect appeared to him nothing more nor less than a gratuitous and unnecessary annoyance to the feelings of the people of that colony. It was true, as his noble Friend had said, that the feelings of the people on the subject had not been decisively stated, and that, therefore, it might be better to leave the matter open until such complete expression of opinion had been received from the colony. The value of such an argument was, however, but small, for upon the receipt of any notice of change of feeling on the part of the colonists, it would be perfectly easy for the Government to renew the order if it had been previously expunged. The order with respect to the Cape of Good Hope had been withdrawn, and the refusal to act in a similar manner towards New South Wales would tend to create a feeling of irritation upon the minds of the colonists which it would be desirable to prevent. With regard to the present state of affairs in New South Wales, the Government had themselves, in a great degree, to thank for the existence of any unfavourable feeling in that colony with regard to the reception of convicts. The district of Port Phillip was as much in want of labour as any other district in the Australian colonies; but the inhabitants of that district were set against the continuance of the system, after it had been commenced under somewhat favourable auspices, by the neglect of the local government in framing proper regulations for the reception and management of the convicts upon their arrival in the colony. Now, as to Van Diemen's Land, it was impossible to read the papers laid before Parliament without feeling the extreme insecurity and precarious prospect of continuing transportation to that colony, even under the plan as now proposed. He did not deny the validity, strictly speaking, of the arguments which had been used with reference to continuing transportation to Tasmania, that the colony had always been a penal settlement, and that the free settlers had gone with their eyes fully open to that fact. But this was an argument which was becoming less and less a practical one every day. It was impossible to reason about the colonies in that strict and rigid manner. It must surely be the wish of every one to see those colonies happy and flourishing, whatever might have been the original bargain or contract with the colonies with respect to the reception of convicts. Besides that, the Government had encouraged, to a great extent, the emigration of free settlers to that and other penal colonies, and their wishes were certainly entitled to some consideration at the hands of the Government. If they looked to the actual state of feeling which existed in Van Diemen's Land, it was not such as to lead persons to suppose that the almost exclusive transportation of convicts could be long continued to that colony. The last expression of opinion on the subject, on the part of the legislative council of Van Diemen's Land, was in the form of a resolution, to the effect that any plan by which convicts who should be sent out after having undergone punishment in England might be distributed over the whole surface of the Australian continent, would, to a certain degree, neutralise the evil effects consequent upon their reception at one colony. The resolution to that effect was passed in the council in October, 1848. At that time, a hope was held out to the colony that some such distribution and proportion of convicts would be adopted by the Government at home; but it was now, however, proposed to confine the convicts entirely to Van Diemen's Land and Norfolk Island. Numerous meetings had been held in the colony on the subject; and at one of the largest meetings which was held upon the subject, it was resolved that the resumption of transportation should be received with the utmost disfavour on the part of the people. If this state of feeling existed in the country with its present defective legislative institutions, much more strongly would the feeling be expressed when the colony received the new representative constitution which it was proposed to confer upon it by Her Majesty's Government. With respect to this feeling of dislike to the reception of convicts on the part of Van Diemen's Land, the Government had to thank themselves in a great degree for its existence. He remembered the state of confusion in which the whole question of transportation was left at the time when the late Government resigned office; and he had no wish to express any severe or harsh censure upon the present Government for the course of policy which they had adopted on the subject; but still he could not help saying that the Government had raised up very formidable obstacles to the continuance of transportation, by the opinions which they expressed in 1846 and 1847, that transportation would in no shape or form be resumed to these colonies.

Earl GREY: Can you quote any despatch on the subject?

Lord LYTTELTON said, that he would shortly do so. One of the resolutions passed at a public meeting in the colony of Van Diemen's Land was, that—

> "This meeting views with the deepest indignation the conduct of the Home Government, in proposing to resume convict transportation in direct contradiction to the deliberate and solemn assurance from Her Majesty's Ministers at home, that from that time it should altogether cease."

That, therefore, was the feeling of the colonists on the subject; and he would proceed to show that it was a reasonable one. Within a very short time after the present Government taking office, a despatch was sent by the noble Lord at the head of the Colonial Office, on September 30, to Sir W. Denison, in which a plan was proposed of sending out convicts, with respect to which he said, that it was not proposed as a scheme to enable the Government to pour in any such flood of convicts as had recently been sent to Norfolk Island and Van Diemen's Land, and adding, "The resumption of that plan I regard as altogether impossible." This despatch referred only to preliminary arrangements; but when the noble Lord in 1847 was able to enter more fully into the consideration of the subject, the question was very differently stated. The right hon. Baronet the Home Secretary, writing to the noble Earl at the head of the Colonial Office, said—

> "I think that transportation confined to Van Diemen's Land, as hitherto carried on, ought to be wholly abandoned. Should your Lordship concur in that opinion, I would suggest that it should be intimated to the Lieutenant Governor, that it is not the intention of Her Majesty's Government to resume transportation to that colony, as recently existing."

[Earl Grey: Hear, hear!] He was fully aware of the limitation which the noble Earl cheered, but the meaning of it was cleared up in a subsequent passage, in which it was stated—

> "It is proposed that upon obtaining the conditional pardon, the only restriction upon the liberty of the person holding such pardon shall be the prohibition of remaining in this country."

This is not transportation. Not one word was said about deportation to any place. The noble Earl opposite, in reply to the letter of the right hon. Baronet, expressed his entire concurrence in the proposal, and a despatch was forwarded to Sir W. Denison, who stated, in his answer to it, that the resumption of transportation would be most distasteful to the colonists. He would not dwell on the error of judgment into which his noble Friend had fallen, when, after declaring that in case transportation were resumed he would take care an equal number of free emigrants should be sent out with the convicts, that promise had been disregarded; the convicts had been sent, but no free emigrants; causing thereby great irritation and annoyance to the colonists. But he could not regard with satisfaction the proposition itself, that, when they were sending convicts to any of their colonies, a number of free emigrants should be sent concurrently with them. He thought that by so doing they would inflict a great degradation on free emigration. Would any respectable class of persons like to be sent out as make-weights, to counterbalance an equal number of convicts? It was impossible that any person of right feeling could like to do so. Let Government, on the one hand, encourage free emigration as far as they could; and, on the other, let them send out convicts according to the best regulations they could adopt; but if they sent them out together, in the way that had been proposed, they would produce more evil than good. He would only say one word further on the state of feeling of the people of Western Australia, from whom his noble Friend had obtained in some qualified sort of way a consent to receive convicts, and for the erection of a penal settlement in that small colony. As far as the faint and feeble voice of that almost perishing community could be heard at all, they were anxious to catch at any straw to relieve themselves from the evils under which they are suffering from the want of labour and capital. But although in their present unfortunate condition, they might be willing to receive convicts, yet he hoped that his noble Friend had not forgotten the remark contained in the despatch of the Governor of that colony, that—

> "Although the settlement was now ready to receive convicts, yet, if any other remedy could be found for the evils under which it laboured, there was not any colony more unwilling to be made a penal colony."

Looking to that fact, and recollecting that none other of their colonies were willing to receive convicts on any condition whatever: there was, he thought, great reason for the expression that had been used by the First Lord of the Treasury in the other House of Parliament, namely, that the time was coming when it would be necessary to review the entire question of secondary punishment, with a view to the complete cessation of the system of transportation.

LORD WODEHOUSE thought that, in considering this measure, every allowance ought to be made for the great difficulties the Government had to encounter in grappling with the question. According to the plan of the Government, it was proposed that convicts should, in the first instance, undergo a punishment under the separate system for a period of from six to eighteen months; then they were to be transferred to the public works at Gibraltar and Bermuda; and, lastly, they were to be sent to Van Diemen's Land and Western Australia, which was to be created a penal settlement, where the convicts were to be employed as labourers under certain restrictions. With regard to the separate system, it appeared to him to be a matter which was most deserving of attention. There might be different opinions entertained as to the means of carrying it out, but he thought it was better than any punishment that had been devised, as it was well calculated not only to terrify but to reform the criminal. There were some individuals who, having obtained a better education than the generality of convicts, might not feel that mode of punishment so acutely as others who had no mental resources; of course the effect would vary according to the different shades of human character, but he believed the majority of criminals would think it a very severe punishment. It was a terrible thing to an uneducated or half-educated man, to be debarred from talking over his past crimes, and planning for the future. To such persons the silence and solitude of the cell, and the lash of conscience, were frightfully appalling: and their hours of imprisonment were thus likely to prove hours of penitence and reformation. In the next place, the convicts were to be transferred to the public works, and, although he imagined there was some difficulty in carrying that out, yet, considering the attention and care that were bestowed on these establishments in this country, and at Gibraltar, and elsewhere, he thought it was possible it might be rendered an effective and salutary punishment. Then, with regard to transportation, although he was fully aware how impracticable it was to devise any well-considered means of secondary punishment without having recourse to transportation, he thought the means hitherto devised for carrying it out were objectionable. It appeared to him that the plan proposed would confer certain advantages on this country. It would afford them the means of getting rid of their criminals without the chance of their again returning at the expiration of their respective sentences. It would also prove advantageous to the convicts, for it would obtain for them labour and the means of honest livelihood which they might not obtain in this country; and it would be of advantage to the colonists, as giving them cheap and abundant labour. Yet there were considerations on the other side which would go far to diminish its value. If he could show that transportation, instead of producing terror — and it appeared that there were great doubts entertained on that point under every system of transportation yet tried—then he thought that he should make out a strong case against it as a secondary punishment. For his own part, he could not understand how transportation could inflict terror at all. Of all men the criminal was the most ready to leave his home; the love of adventure was dear to him, and he had ever a wish to seek his fortune on a new stage. Not so the honest English labourer. There was reluctance on his part to emigrate from the place of his birth, and for this reason—that he always associated emigration with the punishment of crime. He confessed it appeared to him that in proportion as emigration was extensively practised, and the knowledge of it more widely diffused, so much would the terror of transportation as a mere exile and punishment diminish. What was the opinion of the colonists on this subject? Mr. Hall says, "By the majority of the assignees, the convicts are treated justly, and, by some, with patriarchal kindness." So it appeared that for one of the severest punishments inflicted by the English law, there was substituted a degree of kindness that was considered patriarchal. That seemed to him to affect the value of the punishment. They should consider also the effect that would be produced in Van Diemen's Land by the introduction of an amount of convict labour, which would more than counterbalance the amount of free labour. It was a very convenient arrangement no doubt, when the demand for labour was so great that it was found impossible to retain an establishment of free labourers, and it was not to be wondered at that the colonists should waver in their decision; but it should not be forgotten that it would take a long time before they could purify society in the colony. He could not understand what guarantee they had that the colony of Van Diemen's Land, as soon as it got a free constitution, would not follow the example of New South Wales, and refuse to receive convicts, and let them see what then would be the result. The noble Earl near him (Earl Grey) said that we had a right to send our convicts to the colonies; but if our colonies refused to receive them, would he feel himself justified in compelling the colonies to receive them by force? It was not because a few emigrants had gone to Van Diemen's Land they were to forget the duty they owed to their fellow-subjects in every portion of the empire to consult their happiness. They should introduce an element into society in Van Diemen's Land that would neutralise the introduction of the convicts; but he could not see how the introduction even of an equal number of free labourers would effect that object. He could not understand how that would neutralise the introduction of convict labourers into Van Diemen's Land. What did he find in the papers laid on the table of the House? He found that in a population of nearly 68,000, excluding the military, 27,476 were convicts; and of the remaining 40,524, 32,000 only were really free; and when he recollected that 16,500 were under fourteen years of age, he could not understand how the introduction of a few free settlers would neutralise the convict element in that population. The most probable result would be to corrupt the morals of the free settlers sent out, and to lower their character. He knew how impossible it was to propose any plan that was not open to objection; but he might venture to say that no mere wish of getting rid of their criminals should induce them, without necessity, to place a burden on a colonial community that it would not bear. They should not forget that the possession of a wide region, which was destined to become a great nation, imposed upon them great responsibility; and if they forgot that responsibility, and founded a nation that would reflect the vices rather than the virtues of the mother country, the consequence of that low standard of morality would recoil upon themselves, and some day they would meet with a well-merited retribution.

Lord LYTTELTON begged to say one word in explanation. If it were thought that he had made light of the prevention of crime he was misunderstood: he meant distinctly the reverse.

The Earl of ILCHESTER said, he could not give his approbation to this Bill without some qualifications which he was anxious to state to their Lordships. After what they had heard so ably stated by the noble Lord who had just sat down, he was inclined to make a few remarks upon the system of transportation which he understood was about to be introduced by Her Majesty's Government. He had been always one of those who felt as strongly opposed as any man in that House, or in the country, to the system of transportation hitherto in existence. The great moral wrong that had followed from the system hitherto adopted was, that they were creating an important and populous nation with very unpromising materials, rendering them not only a burden and a nuisance to the mother country, but a sort of danger to the peace of that portion of the globe in which they are situated. He felt strongly on the subject; but he did not consider that transportation, under certain limitations, was a punishment to be altogether given up. If the Legislature would adopt a system of secondary punishment, the reformation of the offender, to ensure the great end of all punishment, the prevention of crime, should be a necessary condition of it. It was because that just and wise principle had hitherto been neglected, that a just retribution had visited the Government of the country. The unreformed prisoners were let loose on society, and not only committed crimes themselves, but led others to commit them by their bad example. He did not wish that transportation under certain limitations should be given up, for he knew, from his experience of the habits and opinions of convicts, that the mere fact of being sent away from their own country, and from their old friends, was a punishment that had a material effect upon them. The experience also of gaolers and chaplains justified what he said, that with the majority of convicts the prospect of transportation was accompanied with a considerable degree of dread, When he was appointed one of the commissioners for the government of Pentonville prison, his only fear was lest the prospect of ultimate transportation might have such an additional effect upon the minds and spirits of the prisoner, as to make separate imprisonment almost too severe a punishment. The view which the prisoners took of transportation, upon their first confinement in Pentonville prison, was one of great and universal dread, and they were only reconciled to the next stage of their punishment by the information they received as to the circumstances of the colony to which they were going, and the assurances given on the part of the Government, that if their conduct was good in prison, they would immediately receive their ticket of leave, or be placed in another more favoured class that was then designated by the name of exiles. With regard to the separate system, it produced the most beneficial moral effect upon the prisoners, but it was a most terrible punishment. As he had alluded to Pentonville, he wished to make one remark with respect to that prison. It was stated, on a former occasion, by a noble Friend of his (Earl Grey), that the commissioners appointed for the management of Pentonville prison had resigned, and that although it was desirable in the first instance to have a considerable number of influential men acting as unpaid commissioners to watch over this experiment, yet that that was not a state of things that would probably last. There was no doubt as regarded himself and the noble Duke on the Commission (the Duke of Richmond), that they had, in fact, tendered their resignation twelve months ago. He thought it only fair to state that the ground of their resignation was not inability, or still less disinclination to act upon the Commission; but, on considering the constitution of the prison, they thought that other regulations should be adopted, and by resignation that they should strengthen the hands of Government, if not urge them to bring in such a measure as this, making the Government more responsible. He thought, however, there was an objection to the Bill in its present form. When it was introduced, he had made a few remarks to their Lordships as to the number of statutes referred to in this Bill, and which related to several prisons that were now put under this new board of management. Their Lordships would observe, that none of those Acts were repealed, but one new board was to conduct those several prisons according to those several Acts. He found fault with the Government for bringing in what he thought to be an imperfect measure, though certainly a measure in the right direction, and an improvement of the present state of things. But he considered it a very imperfect measure, and thought that it must be followed sooner or later by some one measure of a more general nature. It would be found necessary to consolidate those several Acts, and by more stringent provisions than now exist in any of those Acts, require a periodical inspection of those prisons by officers, not officers of the prisons, and that there should be some stringent rules requiring the Secretary of State to report annually to Parliament many more details as to the distribution of convicts, and the rules he makes for the regulation of those prisons, than is required by any of those Acts. In the year 1847, he was appointed with others to inquire into alleged abuses in Millbank prison, and he alluded to it for the purpose of quoting the report made on the occasion. He quoted it, because in the opinion expressed in that report he had the concurrence at the time of his right hon. Friend the Secretary of State. They would see it was their opinion, and he thought it was still the opinion of his right hon. Friend, that it was necessary to introduce some more general and stringent measure to regulate those prisons. The report recommended that the government of Millbank prison should be managed by paid servants of the Crown, and suggested that such a change should be made as would secure a separate and independent inspection. Now, the present Bill made no provision for such an inspection. The report also contained a suggestion in which he strongly concurred—namely, that whilst so much inequality in punishments continued, there ought to be an annual return laid before Parliament to show how the Government had exercised the powers entrusted to it. That the judges and magistrates, and the public at large, should know what secondary punishments were used, he thought important, not only to the due administration of criminal justice, but also in its effect on the means of deterring from crime. He was happy to find from the report of the Portland prison which had been laid on the table of the House, that the employment of convicts on public works had proved satisfactory, but he still considered that the system required very vigilant and very close inspection; and this circumstance rendered it more important that that part of their punishment should take place in the mother country, where the superintendence could be more complete. In conclusion, he thought it unnecessary to disclaim any hostility to this measure; his only object had been, whilst he entirely approved of the system contemplated by the Government, to show the necessity for a further extension of that system than would be effected by this Bill.

LORD STANLEY said, he was not disposed to enter into the merits of the alterations proposed by this Bill in the system of transportation as it at present exists. He agreed with the noble Earl who had just sat down, that in the previous stage of punishment—a stage of punishment common to the previous system and to this, there were greater facilities for a watchful and vigilant superintendence of the conduct of prisoners, and of the course pursued towards prisoners in this country than in the colony; and, therefore, though he was not absolutely convinced of the merits of the contemplated change as a whole, and although he felt satisfied that the system first introduced by the present First Lord of the Treasury, and which it had subsequently fallen to his own lot when in office to have to revise, had not had the benefit of a full and fair experiment in the colonies, he yet admitted the validity of the argument. He was also bound to say, from the last reports received from Portland prison—able and interesting documents, as far as he could judge—the experiment there, as far as it had gone, was working satisfactorily. He rejoiced that the noble Earl had greatly modified the plan which he two years ago suggested, because although it might be said, that under the provisions of his Bill, many of the former terrors had been stripped from transportation, and it was now rendered comparatively little worse than voluntary emigration, still he believed, with regard to the majority of convicts, transportation yet had a material effect in deterring from crime, and impressing the convict with the severity of the sentence. For it was the opinion of almost all the judges of the land, and almost the unanimous opinion of the Committee of their Lordships who sat on this subject two years ago, that the abolition of transportation would be fatal to the carrying out of the criminal jurisprudence of the country, and that there were particular classes of criminals at home to whom, above all others, the punishment of compulsory expatriation had greater terrors than any other. But he had another important reason for rejoicing that transportation was to be continued almost to as great an extent as before; because, however well disposed a convict might be, and however advantageous the reformatory discipline might prove here, yet he would often find, on being turned out of prison in this country, that every door to honest employment was closed against him; and however well inclined he might be to lead an honest life for the future, he would still be unable to do so from being exposed to the influences of old associates in crime and to former temptations. Instances to his own knowledge had occurred where persons, after expiating their sentences, had lived in this country for years in honest employment; and yet after that had been actually brought back to a career of crime from the threats of their former companions that they would inform their employers of their previous habits, unless they gave them money in some cases for concealing the circumstances, or unless, in other cases, they would rejoin them as partners in crime. Therefore he held it to be of the highest importance that male convicts in general should be removed from this country to the penal colonies. He concurred with his noble Friend, and with the noble Lord who addressed their Lordships for the first time that night, and with an ability and a clearness which gave promise of his becoming one of the most valuable Members of that House; he concurred with both of these noble Lords, that if transportation was still to be continued, we were only at the beginning of the difficulties of the subject. We had postponed and evaded for the present the pressure of the question of transportation, but we had not diminished the ultimate urgency of dealing with it. The first stage of the convict's sentence was to be solitary confinement; the next period was to be spent in labour on public works. At Portland there was a large prison, and there they had employment for the present on important national works for a large number of convicts; and on the continuous nature of that employment depended the whole organisation of that prison, and the whole efficacy of that second stage of punishment. Therefore, that system might go on for a considerable time; a harbour of refuge might be a work of five, six, or even ten years, but it would come to an end at last;

and here they would have a permanent building that cost an enormous sum of money, and calculated to maintain a large proportion of criminals in the second stage of their sentence without any works to employ them—that was, no laborious works for the public benefit; and, consequently, they would have a breaking down of the system for want of the means of carrying it into operation. He apprehended greater difficulties in passing from the second stage to actual transportation. And here he could not help avowing his belief, that for some of those difficulties Her Majesty's Government had themselves to blame. There were some charges made against the system of assignment as it formerly existed in New South Wales, with which he could not agree; he did not mean to say it was not open to objection, being sometimes a very heavy and at other times a very light punishment; but he believed that with it great good was connected; and he thought the system was too inconsiderately and hastily abandoned, from an exaggerated view of its evils. He believed the Government acted rashly and hastily in announcing that within a very short period transportation to New South Wales should cease, before ascertaining what they were about to substitute, and what were the means they had of carrying out secondary punishments. He did not say that in the course of time that determination must not be ultimately come to; but still it was rashly and imprudently carried out; and the consequence was at the time that he (Lord Stanley) succeeded to the colonial deparment, that a very undue pressure was thrown upon a single colony by diverting the whole stream of our male convicts to Van Diemen's Land. And it happened that, concurrently in point of time with shutting up the largest field for convicts, there was a resolution of the House of Commons passed, putting a stop to imprisonment in the hulks; thereby greatly aggravating this undue pressure on a single penal settlement by sending all the transported convicts thither. And further, all this done concident with severe agricultural and commercial distress, which, commencing in this country, spread itself to the colonies, and just at that period when such large numbers of convicts were sent out, reduced New South Wales and Van Diemen's Land from a state of comparative prosperity to one of great distress, thereby destroying the capital from which labour could be found for the convicts. Under the exigency, steps were taken for the purpose of materially diminishing the inconvenience, by allowing the convicts to reclaim the land on the part of the Government, and to establish a settlement, and in point of fact by enabling the ticket-of-leave men to become settlers, and maintain themselves by their own labour. There was a great influx of convicts at the period when they were discharged from the public works; and when they became entitled to work for themselves they were not able to get employment, the capital of the colony being gone, and consequently they were obliged to fall back again upon the Government works. At the same time that the convicts were flung back into a condition different from what they had a right to expect that they would merge into, they were also pressing hard in a competition with the free labour of the colony. The scheme organised with the consent of the local authorities for the establishment of a new penal settlement, or, if not altogether a penal settlement, at least a settlement like the one now proposed for removing convicts to, was a scheme by which persons having attained to a certain stage of their progress to freedom, and having conducted themselves well, might be removed to the northern division of the colony of New South Wales, in the neighbourhood of Moreton Bay, where they would work under surveillance, and as their sentences expired might pour in a gradual stream of free labour when the colonists required them. The noble Earl had said the other night that the neighbourhood of Moreton Bay was a district which beyond all others demanded labour, and had the means of furnishing profitable employment; and this was immediately in the neighbourhood of the newly-proposed semi-penal settlement. The project was carried out at no inconsiderable expense both by him (Lord Stanley), and by his successor in the colonial department, and yet the noble Earl had not been two months in office before he upset it, and abandoned the plan before he had time to make himself master of the subject; or to provide a sufficient substitute, and which might have laid the foundation of a new penal colony, that would have obviated the present emergency. Now he believed that under the system of the noble Earl there would not on an average of years be a smaller number of convicts transported than formerly, because all the male convicts were to be sent out after they had served the reformatory part of their sentence here.

Now, expectations, more or less distinct, had been held out to Van Diemen's Land by the Government, that transportation to that colony would cease; and it must be remembered that great encouragement had been given to Van Diemen's Land by the successful resistance of the Cape of Good Hope. Now, it appeared transportation to Van Diemen's Land was not to cease, but to continue, and to continue to the full extent that it was ever intended to be carried out; and now Van Diemen's Land was the only colony to which the Government proposed to send convicts, excepting a small number, who were to be sent to Western Australia. Now, what security had we that the colony would not successfully resist their introduction? And even if they did not resist, what security had we that all the moral, and still more all the economical inconveniences which in 1846 accompanied the sending out of a vast number of male convicts in a certain colony would not be speedily renewed, although they might be suspended for a few years, while the convicts were undergoing their preparatory sentences here? He did not object to this measure, but he contended the Government were living from hand to mouth in this matter, which was too urgent to be dealt with in so superficial and temporising a manner. It was important that we should look forward, not for one or two years, but for five or ten years, as to the result of this system to Van Diemen's Land, or as to the possibility of substituting another mode of punishment, or of finding another colony, by which the difficulties might be overcome that must attend the continued influx of all our convicts to Van Diemen's Land. This evil was obviated certainly by the proposition to abandon transportation altogether, but not when we had only a single penal colony. Nor was this inconvenience obviated by accompanying the system of transportation by an influx of some free labourers, because the influx was too large for the wants of the colony, and consequently there was a superabundance of labour. Now the result would be a repetition of the same evil if we sent out a large body of free labourers; and it was vain to say that we should send out capitalists, because the persons whom the noble Earl would send out as free emigrants by the assistance of the Government, must be people just above want, perhaps possessed of a little money to enable them to obtain a freehold in Van Diemen's Land, upon which they would labour themselves; but they clearly could not be a class that would be material employers of the labour of others. Then, by sending such emigrants out, you would not only not correct the moral evils, but the economical evils of the former system would continue to embarrass the colony. He threw out these observations, not with the view of objecting to the experiment which the Government had in progress, and in which he believed they were working honestly—he hoped it would prove as effectually—but he felt it his duty not to allow the Bill to pass a third reading without reminding the Government that they must be prepared to look forward to the future—that they had only staved off the evil a short time longer—and that, under the system they were pursuing, they were in danger, unless they took timely precautions, of having forced back upon them within a very few years a great portion of the evils which they experienced when they put an end for a time to transportation to Van Diemen's Land.

Lord MONTEAGLE thought it most important that the moral effect of the fear of transportation should be kept up on the criminal population at home. The result of all the inquiries that had ever taken place on this subject was, that the punishment of transportation was one dreaded by every convict; and his experience of criminal prosecutions in Ireland, as well as the evidence of the learned Judges, and of those familiar with criminal justice, convinced him that transportation was a punishment of greater terror to convicts than even death itself. In his opinion, the importance of the question, as connected with the due administration of justice in this country, could not be overstated. But even on the opposite hypothesis, it was clear that if transportation was to be abandoned, the sooner some efficient substitute was provided for it the better. This was indispensable. He thought that this question as a whole had been hitherto viewed too much in a one-sided light. The frightful pictures of the state of New South Wales given by many witnesses in this country, as the result of the system of transportation to that colony, were received with disapprobation and disgust on their arrival, among the colonists themselves. Men of the highest character in Australia, including the Bishop himself, had denounced these statements as exaggerations. He fully admitted that they were bound to regard the system of transportation not merely as one affecting the convicts, but also, the condition of the colonies. On both these points they had the valuable testimony of General Sir R. Bourke, late Governor of Australia, in a memorandum submitted by him to the noble Lord (Lord J. Russell), then at the head of the Colonial Department. In that document that distinguished individual, whose evidence was entitled to the highest respect, as one as sensible to moral considerations as he was capable of judging of political duties, stated that he set a high value on the employment of convict labour during the first process of settlement in a new country. He stated that in New South Wales, by the aid of convict labour, the settlers had within a period of fifty years converted a wilderness into a fine and flourishing colony; and he gave it as his deliberate opinion, that not only had transportation administered efficaciously to the wants of settlers, but had "led to the moral improvement of the convicts to full as much as, from his observation and experience of prison discipline in England and Ireland, he could hope to be effected by penitentiary treatment in those countries." He certainly was not surprised, after what had passed in that House—after the declaration of the present Secretary of State himself, condemning in unmeasured terms the system of transportation, and announcing its abandonment—and after the events that had taken place of late at the Cape, that a spirit of resistance should have been raised up against transportation; and it was impossible not to feel that unless transportation was put on a new footing altogether, the Government would be unable to carry on the system in future. Even the colony of Western Australia had given but a very qualified assent to the system; but even supposing that consent to be more absolute, it was impossible to believe the Swan River settlement in Western Australia to be capable of absorbing all the convicts of the united kingdom. Again, looking to Van Diemen's Land, and remembering the Order in Council, which had somewhat rashly been issued, prohibiting transportation to the larger colony of Australia, remembering too, the consequent pouring of the whole tide of our convict population into Van Diemen's Land, which forced convict labour into keen competition with the free labour, and drove out the free emigrant, it was impossible to believe that, after the example of the determined and successful resistance of the Cape to the will of the Government, and the power of a military Governor before it, that Van Diemen's Land, with or without free institutions, would consent to remain exclusively the receptacle of all the convicts of this country. The few places where convicts would continue to be received must necessarily limit the number sent out. It was absolutely necessary, therefore, to put transportation on some new footing, or provide an efficient substitute. Had Government made any provision for the proper disposal of criminals in Ireland ? The prison in his county was last summer overcrowded, there being upwards of 100 criminals in fifteen cells, during which time the cholera was raging. In the gaol of Cork, where there was accommodation for 500, there were confined at one time 1,549. In Galway prison there was accommodation for 112 prisoners, but it held at one time 1,075, and the mortality in the year amounted to 450. In 1847, 2,200 prisoners were sentenced to transportation in Ireland; in 1848, 2,733; of these no more than 825 were actually transported, leaving near 2,000 to be provided for at home. It was the duty of Government, without delay, to provide adequate accommodation, in some way or other, for these criminals. He also believed that they were bound to look to something beyond employment on public works in this country. The Government had acted hastily in their proposed abandonment of transportation. But the true interests of the colonies should also be consulted—a proper provision for the convict should be made abroad. The sphere of labour, restricted in a country like England, was in our colonies boundless. In Australia there was an unlimited field of employment, which would repay itself in the improved value of land; there was no prospect of being able to keep up a constant supply of labour for the convicts in this country. Providing means of immigration in Australia, would furnish employment for centuries to come. Let the question be fairly presented to the colonists, and their objections would speedily vanish, especially if it were shown that the convict labour would be beneficial to them by employing convicts as the pioneers of civilisation. At all events, till sufficient and effective means of secondary punishment are provided, the administration of justice in this country must not be left without that sanction and support which it derived from the dread of transportation. In conclusion, he would repeat, that if they meant to give up transportation, they must, without delay, gird up their loins to the indispensable task of providing a substitute, and dealing effectively with the whole question.

Earl GREY: Before I proceed to notice what has been said on the general subject by the various noble Lords who have taken part in this debate, I have to observe with reference to the remarks of my noble Friend who has just sat down (Lord Monteagle) on the state of the Irish prisons, that I am far from denying that those prisons have been lamentably overcrowded; but this does not arise from any measures adopted by Her Majesty's Government, for on the contrary, since the appointment of the present Administration, the number of convicts annually removed from Ireland, has been very considerably greater than in any former years. The evil has arisen entirely from the excessive and sudden increase in the number of convictions for transportable offences, occasioned, as I believe, principally by the calamity of famine which has afflicted Ireland. This sudden increase in the number of convicts has undoubtedly created very great difficulty, more especially occurring as it did, at a time when Van Diemen's Land, from other circumstances, was absolutely closed against the reception of criminals. But no efforts have been spared to meet those difficulties as far as possible. The Lord Lieutenant of Ireland has made arrangements for extending the means for the reception of prisoners in that country. A large establishment has been created on Spike Island, where from 1,200 to 1,400 prisoners have been placed. An establishment on the model of Pentonville, has also been formed in the neighbourhood of Dublin. In addition to this, Gibraltar and Bermuda, which under the former state of the law were not available for the reception of Irish convicts, have been rendered so by an Act lately passed. I am not aware, my Lords, that more could have been done. You are aware that at Gibraltar and Bermuda, it is impossible to receive more than a limited number of convicts, nor were there any other colonies to which Her Majesty's Government could safely have sent an increased number. With regard to the general question, the discussion which has taken place, has upon the whole, given me much satisfaction. It is true, there have been various objections made by different noble Lords to the course pursued by Her Majesty's Government on this very difficult subject; but in general these objections have not affected the substance of the measures which have been adopted; and though two noble Lords have objected to transportation altogether, their views have certainly not appeared to be in accordance with the general opinion of the House. In answer to what those noble Lords have stated, I am not prepared to deny that much moral evil has arisen from sending large numbers of convicts to penal colonies; but I must express my belief that these evils have been exaggerated, and that even under the defective system which formerly existed, there is reason to doubt, whether upon the whole the balance of evil would not have been much greater from keeping these convicts at home, than from sending them abroad. We must not forget, that it is, after all, but a choice of evils which is before us; and we know from the example of other countries how great are the evils to which I adverted on a former evening, and which the noble Lord opposite (Lord Stanley) has again noticed to-night, from retaining in a country where the supply of labour is fully equal to the demand, large numbers of persons who have undergone punishment for their offences. We have heard much of the army of liberated *forçats* in France, and of the danger which they occasion to the peace and good order of society. I pointed out to your Lordships that there are at this moment at large in the Australian colonies no less than 48,000 persons who have undergone transportation, the great majority of whom are now earning an honest livelihood, but who, had they remained in this country, would in all probability have been almost compelled, by the force of circumstances, to continue to live as criminals. This is an important circumstance which must not be left out of sight in considering whether, upon the whole, evil has resulted from the system of transportation; but this is not all. It must also be remembered, that the flourishing communities now spreading over Australia, and which promise, at no distant date, to become a great nation, are in fact the creation of the system of transportation. I believe that but for transportation, communities of this magnitude and wealth never would have been created in Australia. It is true that South Australia was not founded as a convict colony; but even South Australia could not have risen as it has done but for the neighbourhood of the convict colonies, from which it was enabled to draw cattle, sheep, and all the resources necessary for overcoming the difficulties of a first settlement in a new country. New South Wales and Van Diemen's Land are completely the creation of transportation, and Port Phillip hardly less so. Then, my Lords, when we look at these flourishing colonies, and consider over how large a portion of the globe they are likely to spread civilisation and a British population, I say again, that though there have been great errors in the system under which transportation was formerly conducted—errors which I trust are capable of correction in future—still, upon the whole, it has been productive of far more good than evil; for you must remember, that the free emigration to these colonies which is now going on upon so large a scale, and with so much advantage, is the result of transportation, since the pecuniary means by which it is carried on are derived from the wealth which transportation and convict labour have created. In the last year free emigration has thus been carried on, without expense to this country, to the extent of 31,000 persons who have gone to the Australian colonies. I am not, then, my Lords, prepared to concur with those who think that transportation ought to be altogether discontinued; but, as I have already had occasion to state, I am persuaded that the confinement and penal labour which must form a principal element of the punishment, ought to be inflicted chiefly at home; and I am glad to perceive that in this view of the subject noble Lords on both sides of the House have, to a considerable extent, acquiesced. It is, as I understand, admitted that separate imprisonment at all events can be best inflicted in this country; and though some considerations on the other side have been urged, the advantages in respect of supervision of making convicts undergo penal labour at home, have also been recognised. The noble Lord (Lord Stanley), indeed, objects to the establishment at Portland, that the works for the harbour of refuge will be finished in a few years, and that then all the buildings which have been there erected will be useless. This is an error. In the first place, the buildings at Portland have in general been constructed of wood, with a view to their ultimate removal if it should be found necessary, and I believe it might be accomplished at a comparatively small expense; but further, as long as we have public buildings in progress anywhere, the establishment at Portland will afford the means of providing useful work for a large body of convicts. The Portland stone, as we know from the magnificent cathedral which ornaments this city, is of the finest quality, and the quarries are practically inexhaustible. This stone would last for centuries, and the utmost facilities exist for employing convicts in quarrying and dressing it, so that it may be shipped ready for use in any buildings which may be in progress. The situation also affords the means of insuring the complete separation of the convicts from the inhabitants of the district, and I believe that upon the whole none could have been found more admirably adapted for a penal establishment. The noble Lord (Lord Stanley) contends that it would be better to employ convicts on public works in the colonies, and more especially in preparing fresh districts for occupation by settlers. I do not disagree from the noble Lord as to the utility of works of the kind he refers to, but I differ from him as to the mode in which they should be carried on, and as to the possibility of safely retaining large numbers of convicts in distant colonies in the immediate custody of the Government. Let me remind your Lordships that the great source of all the worst evils which arose in New South Wales and Van Diemen's Land from transportation, was the employment of large gangs of convicts on the roads; the chain gangs and road gangs, as they were called, were the cause of fearful demoralisation. Nor do I believe it is possible that this should be otherwise—in order to render the labour of convicts working in gangs, useful in opening roads and clearing land for settlement, they must be sent to remote districts, where no proper buildings can be provided for their custody, where the conduct of the officers in immediate charge of them cannot be closely and constantly watched by their superiors, and this, too, at a distance of 16,000 miles from the Home Government, which is thus deprived of the means both of discovering and of promptly applying a remedy to any abuses which may arise. Observe how this operated in Van Diemen's Land. When the probationary system, as it was called, was there established under the direction of the noble Lord when Secretary of State, he took the utmost pains in framing the best regulations which experience then suggested for the management and discipline of the convicts; he had himself the selection of the governor and of most of the subordinate officers by whom the system was to be administered; and I cannot doubt that he must carefully have chosen for these important duties the persons he thought best qualified to undertake them; yet what was the result? My Lords, it is sufficiently shown by the papers on your table. When I was appointed to the office I have now the honour to hold, I found that in practice the measures of the noble Lord had entirely broken down; Van Diemen's Land was suffering evils of a most frightful character; the convicts were in a state of demoralisation, and their labour was frittered away so as to be almost useless, and little or nothing was done by them for the improvement of the colony. Though a large proportion of the convicts were nominally employed in the cultivation of the ground for their own supply, and there were near 14,000 ablebodied men in the charge of the Government, they could not raise food enough for their own consumption. Now, can it for a moment be supposed, that if the noble Lord opposite could have obtained prompt intelligence of what was going on, if he could have sent a person from Downing Street to inspect these gangs, and see how their labour was wasted, and how badly the system was carried on; and if the noble Lord could have received such a report in three or four days instead of twelve months, would it have been possible that such flagrant abuses could have grown up, or that the noble Lord would have allowed such a system to go on? I believe, therefore, with the result of this experiment before my eyes, that it is not safe to act upon a plan by which convicts in the colonies are to be kept in the immediate custody of the Government, and employed on public works, except upon a very small scale, and in very limited numbers. When convicts are no longer retained in the custody of the Government, but have risen to the condition of holders of tickets of leave, I believe that much may be done to render their labour available in preparing new districts for settlement by the construction of roads and bridges. The attention of Her Majesty's Government is at this moment occupied by the consideration of arrangements by which this may be effected. Your Lordships may have observed in the despatches relating to the proposed penal establishment in Western Australia, that a plan which has been suggested by that invaluable public servant, Colonel Jebb, for so employing convicts, is to be there tried. My Lords, it has been asserted by more than one of the noble Lords who have taken part in this discussion, that the difficulty now experienced in disposing of convicts in the colonies—a difficulty which it is anticipated will soon become insurmountable, has been created by the measures of Her Majesty's present advisers. Much difficulty does now certainly exist in disposing of convicts; but instead of agreeing with noble Lords that that difficulty is likely to increase, I believe it to be greater at this moment than it will be hereafter, and that a larger and better field will be created than now exists for the employment of convicts in the colonies when they pass out of the custody of the Government. I will state the reasons for that opinion; but before I do so I must notice the remarks of the noble Lord at the table (Lord Lyttelton), and the noble Lord opposite (Lord Stanley) as to the effect of the earlier measures of the present Administration in producing the difficulty which is now complained of. It is asserted that the language used both in despatches and in discussions in Parliament by Members of Her Majesty's Government was calculated to create an impression on the minds of the colonists that transportation was to be entirely discontinued, and thus to raise expectations which it is difficult now to disappoint. My Lords, if that impression and these expectations were created, it was rather by what other parties represented to be the views and intentions of the Government, than by anything which was said by Members of the Administration. I defy any person to read through the despatches upon this subject as a whole (for perhaps detached passages taken without the context might be quoted which would convey a different meaning), and not to perceive that the view entertained from first to last was, that convicts, after having undergone the more severe part of their punishment, were to be removed to the Australian colonies, and a very large proportion of them to Van Diemen's Land. Undoubtedly it was the original intention of Her Majesty's Government that convicts should be removed as exiles, that is, under regulations by which on their arrival they would have been entirely free, except as to the power of returning to this country. The plan has since been modified by determining that convicts should be sent out, not as exiles but with tickets of leave, by which means they are still kept under control. Experience has clearly proved that to remove them without retaining some such power over them, does not answer; nor have I any hesitation in saying, that upon this point the views I originally entertained have been considerably modified by the experience which has since been gained. At the same time I must remark that the success which attended the first experiment of sending exiles, and the accounts which had been received of their conduct when we came into office, seemed at that time to justify the opinion we adopted; and it is only the result of further trials, and of longer experience, which has led to a different conclusion. Another objection urged by the noble Lord was, that we acted injudiciously and hastily in putting an end to the scheme which had been adopted by our predecessors for founding a convict colony in North Australia. The noble Lord says, that in the six weeks between our accession to office and the adoption of this determination, the reasons in favour of the proposed measure could not have been very carefully considered. My Lords, the formation of this new penal colony had been publicly announced before the change of Administration, and even at that time I had formed, and I believe publicly expressed, a very decided opinion against it, for reasons which still seem to me conclusive. The plan which had been formed was one for colonising an unoccupied district entirely and exclusively with convicts. Now this is what I believed to be most objectionable; our first aim in sending convicts to colonies ought to be so to disperse them amongst free settlers that the convict element shall not be predominant in the population. When the society consists chiefly of those who have been punished for their offences, abuses are most likely to arise. Thus in New South Wales it was before free settlers went there, when its inhabitants were exclusively convicts, that transportation was most productive of evil; and the evil diminished, and the moral condition of the colony improved, as the proportion of free settlers was increased. The plan with regard to North Australia was, that convicts removed from Van Diemen's Land after they had ceased to be under the immediate control of the Government—

Lord STANLEY: Holding tickets of leave and conditional pardons.

Earl GREY: Precisely; convicts with tickets of leave and conditional pardons were to be placed in a territory at that time entirely unoccupied, where there were no free settlers to employ them, and where, therefore, to enable them to maintain themselves, they must have been settled on the land, and supported till they could raise crops for themselves at the expense of the Government. If this expense was to be incurred, why remove these men from Van Diemen's Land? In that colony there was plenty of land upon which they might have been established, while the Government have a military force, and commissariat and police establishments, which in North Australia could only be created at a heavy expense. If, therefore, the scheme was really that which it professed to be, one for setting these men in a vacant territory, it would have been far better that it should have been carried into execution in Van Diemen's Land; but I know that the real object, and that which was scarcely concealed, was to send them through North Australia as it were through a sieve into New South Wales, where they would have found private employment. In this way no doubt the measure would have answered, but I cannot think its policy can be approved; if convicts are to be sent from Van Diemen's Land to New South Wales, let this be done openly and fairly. I do not object to allowing convicts, who have become free by the expiration of their sentences, or by obtaining conditional pardons, to find their way, if they can, to the neighbouring colonies. This cannot, with justice, be prevented; but it is an entirely different thing to remove them at the expense of the Government to a territory immediately adjoining New South Wales, from which it is divided only by an arbitrary line, and from which it is intended that they should at once go into that colony. The noble Lord (Lord Stanley) says, that in consequence of the abandonment of North Australia, there will be no other outlet for convicts than Van Diemen's Land, to which so many must consequently be sent, that all the evils, moral and economical, which were complained of in 1846, will be reproduced, and in an aggravated form. I do not think that there are sufficient grounds for that apprehension. The evils which arose in Van Diemen's Land between 1841 and 1846 were not less attributable to the conditions under which the convicts were sent there, and to the omission of measures of precaution which might have been adopted, than to their numbers. The measures adopted by the noble Lord failed, because they did not sufficiently provide either for the moral and industrial training of the convicts while they were in the custody of the Government, or for creating a demand for their labour when they became entitled to partial freedom. With regard to the defects of the arrangement in respect to discipline and the improvement of the convicts, I have already expressed my opinion; it is necessary that I should now call your Lordships' attention to its defects in not providing for the difficulty arising from the want of employment of so large a body of convicts when they passed out of the custody of the Government. What was wanted was to create a demand for labour, and this could only be accomplished by rendering the colony attractive to settlers, by presenting advantages for the profitable investment of capital. But some of the regulations of the noble Lord (regulations which I have no doubt he found himself obliged to adopt under the pressure of that desire to reduce expense which those who have to present estimates to the House of Commons naturally feel) tended directly to an opposite result. It was ordered that when convicts were employed on works for the benefit of the colony, that a charge of 6*d.* a day should be made on the colony for their labour. It was likewise ordered that in consideration of the payment of 24,000*l.* a year by this country for the police, all receipts from the territorial revenue should be paid into the military chest towards defraying the charge of the convict establishment. The result was, that the colony not being able to afford to pay the charge for convict labour, the convicts could not be employed, as they might have been, on the construction of roads and other works, which by opening the country for settlement would have promoted their employment when discharged from the custody of the Government. On both these points the regulations I have mentioned have been altered. No charge is now made on the colony for convicts employed on colonial works except that for tools and for the extra supervision which these works render necessary. The territorial revenue has also been released, and rendered applicable to its legitimate object of improving the territory. The Government has thus been enabled largely to employ convict labour on works of the greatest importance for developing the natural resources of Van Diemen's Land, and rendering it an eligible place for settlement. The application of the territorial revenue to similar objects will be not less important. I regard the sums received from the sale of land as constituting a fund not properly applicable to the ordinary expenses of the Government, but which ought to be so employed as to be returned to the purchasers of land in the increased value of that which they acquire. The popular objections to the system of disposing of land by sale, would, I think, be well founded if the amount received from settlers, and withdrawn from their capital, were not returned to them by such an application of the money as to raise the value of the land they buy. The true object of the system of selling of land is so to regulate its distribution that it may fall into the hands of those who can turn it to best account. If land is given for nothing by the Government, or sold at a very low price, no regulations, however stringent, which can be adopted, can prevent its falling into the possession of persons who do not intend to use it, but who expect to derive a profit from its rise in value when population increases. The principle of the present policy is, that the *bonâ fide* settler buying land at the price now demanded, and having that money laid out for his benefit, really gets the land as cheap or cheaper than if he got it for nothing, without these advantages; while on the other hand the immediate cost of the land is completely prohibitory to the speculator who does not contemplate settlement, and therefore derives no advantage from such works as I have mentioned. It is with these views that it has been determined that the territorial revenue in Van Diemen's Land, should again be applied to these objects in the hopes of encouraging free settlers who may give employment to the convicts. The noble Lord, indeed, asks, is it possible that any free settlers will consent to be sent out by means of the money which has been voted by Parliament for the purpose of compensating, as it were, for the convicts? If the matter is put in this light, they probably would not; but we have experience to show that if proper regulations are adopted, free settlers may be induced to avail themselves of the great advantages of being enabled to obtain land upon easy terms combined with a supply of cheap labour. After the conclusion of the war, the number of convicts in the hands of the Government in New South Wales, was found to be a most serious evil, and Lord Bathurst, then Secretary of State for the Colonies, with great wisdom, as I think, adopted regulations by which the quit rent subject to which land was then granted, should be remitted to those who took into their service a certain number of assigned convicts. What was the consequence? Many enterprising and energetic settlers went to New South Wales, to take advantage of this cheap labour and land; and this was the foundation of the prosperity of the colony. In a very short time, instead of the Government being embarrassed by a large number of convicts of whom it knew not how to dispose, the applications for servants far exceeded what could be complied with. This, my Lords, is an experiment, which is well worthy of imitation; and the principles of our present regulations is in fact copied from those which I have mentioned, adopting what was really good in their substance, and avoiding, so far as we can, their defects. In the papers on the table, noble Lords will find the details of the arrangements which have been adopted with this view; regulations have been promulgated by the Land and Emigration Commissioners, by which persons in this country paying money for land in Van Diemen's Land, and going out to settle there, will be enabled to obtain free cabin passages from the grant made by Parliament, and are also promised that improvements shall be made for them on their land so as to fit it for immediate occupation. Those who avail themselves of these regulations will obtain advantages at least equivalent to those enjoyed by the early settlers in New South Wales; and I see no reason to doubt that when this is understood, settlers will be attracted. Western Australia also, my Lords, will, I believe, receive a considerable number of convicts. It is true, that at present, it is a very small community, and cannot therefore immediately absorb very many, but it is a colony of great natural advantages. Its timber is of unrivalled excellence and easy of access. Its soil is capable of yielding cotton and other productions of a warm climate, in addition to those which are usual in other parts of Australia. It possesses also the means of supplying in abundance the first wants of settlers who may go there—the great difficulty in colonisation—having an ample stock, not only of food, but of cattle and sheep for farming operations. By means of convict labour, the works necessary for rendering these advantages available, will be executed; and the convicts, when they obtain tickets of leave, will supply settlers with labour. I see no reason, therefore, to doubt, that with these advantages, settlers will be attracted, and capital will be rapidly accumulated, so that an increasing field for the employment of convicts will be created. Such, my Lords, are my reasons for believing that there is not reason to apprehend, with the noble Lord, that under the measures now in progress, the moral and economical evils which were experienced in 1846 will again arise in Van Diemen's Land. Under the influence of the policy now adopted, and imperfectly as it has as yet been acted upon, the Governor of Van Diemen's Land states that the colony is already rising from that severe depression which various causes had combined to produce. Shipbuilding is becoming a trade of great importance, as well as the export of timber, and there are many signs that the supply of cheap labour which is there attainable will be made use of in carrying on various profitable branches of industry. By the measures which I have described, free settlers will be encouraged, and, as formerly happened in New South Wales, the most industrious of the convicts themselves will accumulate capital, and become employers of labour. Besides, as the convicts become entitled to conditional pardons, or to their freedom by the expiration of their sentences, the whole labour market of the adjoining colonies, with which steamers constantly running afford an easy communication, will be open to them. With regard to the opposition to the reception of convicts in Van Diemen's Land, I regret that my noble Friend who spoke last (Lord Monteagle) should have expressed the opinion he has, that that opposition will increase, and that it will be ultimately necessary to yield to it. This I do not anticipate. In 1846 there was good ground for the unanimous resistance which was made to the continuance of transportation as it was then carried on; but I believe that when the real advantages of the improved system come to be fully understood—when it is perceived that the reception of convicts, coupled with these measures, is calculated so greatly to promote the advance of the colony in wealth and prosperity, I am sanguine in believing that the objections to the system on the part of the colonists will cease. I am confirmed in that belief, because it is a matter of fact as to which there can be no doubt that the objections felt in the Australian colonies to the reception of convicts have only arisen of late years. Your Lordships may remember that in 1838, when the Committee of the House of Commons inquired into the subject, the unanimous feeling of the colonists was against the discontinuance of transportation, and the utmost pains were taken by them to produce evidence to rebut that which was brought forward in proof of the necessity of a change. At that time the system of assignment still existed by which the colonists obtained cheap labour, and it was not till this system was discontinued, and the system of working the convicts in gangs was adopted, that the strong feeling against transportation arose.

Lord STANLEY: I think the noble Lord is mistaken; the Order in Council for discontinuing transportation to New South Wales was issued in 1840 at the instance of the colonists before the probation system was established.

Earl GREY: It is perfectly true, as the noble Lord has stated, that the demand from New South Wales for the discontinuance of transportation preceded the adoption of the plan for keeping all the convicts sent to the colonies in gangs, but there had always been a certain number of road gangs in the colonies. The abuses to which they gave rise were perfectly well understood, and I do not think it would be difficult to produce evidence showing that it was the experience of these abuses, and the just anticipation of their increase from the great extension of this mode of employing convicts, which created so strong a feeling of opposition on the part of the colonists to the reception of convicts. It seems, therefore, reasonable to conclude, that if we succeed in getting rid of the abuses which have created the feeling, the feeling will subside. But I must add, that at all events I consider the colonists of Van Diemen's Land to have no just right to call upon this country to discontinue the practice of sending convicts there. I admit that colonies which have been established as free colonies, have a right to expect that convicts should not be sent to them without their own consent. But Van Diemen's Land was founded as a convict colony. This country has spent millions of money in fitting it for the reception of convicts; and the free population which has established itself there for the sake of the pecuniary advantages of that expenditure, has no right whatever to expect that the policy of this country should be altered when they think proper to demand it, and that we should be compelled again to incur the heavy expense of preparing some new settlement for the reception of convicts. Nor does it follow, because representative institutions are to be established in Van Diemen's Land, that therefore on this matter the authority of the Crown and Parliament of England are to be superseded. On the contrary, I conceive that that authority ought to be firmly maintained and asserted, and that Van Diemen's Land should continue to be used for the reception of convicts. In duty and in justice we are bound to take care that we make all the arrangements which are possible, in order to prevent the reception of convicts from being injurious to the colony; and this, as I have stated to your Lordships, Her Majesty's Government are endeavouring to accomplish, I trust with good hopes of success. I have only to add, before I sit down, with reference to the provisions of the Bill now before us, that I admit the justice of what has been observed by my noble Friend behind me (Lord Chichester), I think it is likely that hereafter it will be necessary to consolidate the various Acts under which the different penal establishments to which this Bill relates are administered. But this consolidation would require very careful examination of the various Acts and of the different powers which they confer; and before this is attempted, I think it is better that we should have more experience of the working of the system of punishment as it will now be carried on under the authority created by this Bill. For this reason, I think it is better that the present measure should be confined merely to placing all the different establishments under the same authority, leaving the visitors who are to be appointed with that view to exercise the powers conferred by the existing Acts of Parliament on the separate and independent authorities by which these prisons are now managed. This is the object of the Bill, and I am glad to find that, as far as it goes, my noble Friend approves of it as a step in the right direction.

After a few words from Lord Monteagle and Lord Lyttelton,

On Question, *Resolved* in the *Affirmative.*

Bill read 3^a, and passed.

WATERFORD, WEXFORD, WICKLOW, AND DUBLIN RAILWAY.

Order of the Day being read for the Attendance at the Bar of this House of Mr. Charles de Lacy Nash, the Secretary to the Committee of the Company, the Yeoman Usher informed the House, That Mr. Nash was in attendance, whereupon it was *moved*, That inasmuch as Mr. Charles de Lacy Nash has made a Return to an Order of this House which he was not required or authorised to make, and has framed the said Return in a Form calculated to mislead this House, he be called in, and reprimanded by The Lord Speaker for the same, and then discharged from further Attendance:

The same was *agreed* to.

Then Mr. Nash was called in, and having prayed Leave to make certain Statements to the House on the Subject, he was heard accordingly; and was then reprimanded by The Lord Speaker, and discharged from further Attendance.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 12, 1850.

MINUTES.] PUBLIC BILLS.—2° Public Health (Scotland); Police and Improvement (Scotland); Indemnity.

Reported.—Process and Practice (Ireland); Fees (Court of Common Pleas).

3° Estates Leasing (Ireland).

OFFICIAL SALARIES.

LORD J. RUSSELL: Sir, I am about to propose the appointment of a Select Committee to inquire into the salaries and emoluments of offices held during the pleasure of the Crown. It does not appear to me that it is requisite that I adduce many reasons to induce the House to appoint a Committee on this subject, for there are various precedents for such appointments of Committee for the purpose of inquiring into the various public departments of this country. In 1798 a Committee was appointed to inquire into various branches of the public service, and they went through many of the civil establishments of the country, and they presented several reports, the 27th of which related to the judicial establishments of the country, and to the salaries paid to the Lord Chancellor, the Master of the Rolls, and the other Judges. Various recommendations were embodied in these reports, which were afterwards acted on. In 1818, and again in 1828, similar Committees of Inquiry were embodied. After the Committee in 1828 had considered the nature of our military establishments, which led to some reductions, Lord Althorp, in January, 1830, proposed the appointment of a Committee to inquire into the salaries of persons holding office during the pleasure of the Crown, and to state the amount which they should receive. Lord Althorp, in doing so, said he made that Motion on the part of the Government, which was prepared to take upon itself the responsibility of any reductions which might be deemed expedient, but it was thought better that there should be a Committee composed of independent Members of that House to inquire into the salaries paid for the performance of public duties. In 1848 Committees were appointed to inquire into the various military expenditures of the country, and they had performed their duties hitherto in a manner highly creditable to themselves and most useful to the Government and the country. I propose now the appointment of a Committee to inquire into certain other departments. I postponed the appointment of this Committee to inquire into the civil establishments of the country to this time, from a wish that various Gentlemen of great experience and ability, who were engaged on the Committees of 1848, which have just completed their labours, should be members of the Committee I am about to propose. With respect to the first object of the Committee, namely, to inquire into the salaries and emoluments of persons holding offices during the pleasure of the Crown, and having seats in Parliament. Very considerable reductions were proposed by the Committee appointed in 1830, and other suggestions of the same kind have been brought under the consideration of the Committee which recently sat, and to which the Miscellaneous Estimates were referred. Every one who has watched the proceedings of this House must be aware that frequent proposals have been made for the reduction of this branch of the public expenditure, either by reducing the salaries 10 per cent, or by diminishing the number of persons employed in certain departments, and holding office during the pleasure of the Crown. It appeared to the Government that it would be far better that the subject of any reductions should be considered by a Committee composed of independent Members than by the persons whose salaries it is proposed to inquire into. I think if a full inquiry is instituted into this subject, the country will fairly know what is the opinion of such Committee as to the amount at which these salaries should be fixed. Lord Althorp, in moving for his Committee, said, that while he agreed in condemning any extravagant pay for public services, he thought it most desirable that the salaries of the holders of high offices should not be reduced so low as to confine them altogether to persons of large private fortunes, but the salaries should be such that persons of distinguished talents, and who possessed the confidence of Parliament, might be able to accept office without injury to their private fortunes. I believe this is a sound principle. The Committee will determine the amount of the salaries which should be paid to various officers; and I have no doubt they will recommend them to be such as would not be ruinous to small private fortunes, who should accept office. With respect to the second part of the Motion, namely, that relating to the salaries and emoluments of judicial offices in the superior courts of law and equity in the united kingdom, and into the retiring pensions allotted to the Judges, some time has elapsed since any inquiry has been made into that subject. In 1831, when Lord Denman was made Chief Justice of the Queen's Bench, it was proposed that he should have that high office at a salary of 8,000*l.* a year, which he accepted, and received during the time he held the office. There has been no regular decision upon this subject by Parliament; and when I introduced a Bill proposing to fix the salary of the Chief Justice of the Queen's Bench at 8,000*l.* a year, it was urged that it would be better that the Committee should have cognisance of the whole question, and I consented to omit that part of the Bill which related to the salaries of the Chief Judges of the Queen's Bench and Common Pleas, upon the representation of an hon. Gentleman opposite. If the salaries, and especially the retired allowances of the Chief Justices of the Courts of Queen's Bench and Common Pleas are to be considered and are to be reduced, it should also be considered whether any other salaries and any other retiring allowances are capable of reduction. There are, also, of course, other questions of great importance connected with the courts of equity. The subject of the salaries of the Judges was considered in 1798 by a Committee, and it is desirable, I think, that they should be again considered by a Committee, particularly when the many changes are remembered that have recently taken place, and the addition that has been made to the number of the Judges of those courts. The last part of the Motion I have to propose relates to the diplomatic establishments of the country. The expense of those establishments was formerly defrayed out of the civil list; but upon the separation of the disbursements more properly belonging to the royal household from those of a more public nature, the expense of the diplomatic establishments was imposed upon the Consolidated Fund. It would, no doubt, be highly inconvenient to have the diplomatic establishments under discussion in each year, with a view to change in the expense of them in each and every year; but still there appears no objection to a revision from time to time; and considering the lengthened period that has elapsed since the separation of those branches of expenditure, and the various changes which since then have taken place, I think it desirable that those establishments should be reconsidered by a Committee of this House. In proposing, therefore, that a Committee should be appointed on these subjects, I propose also that evidence shall be taken before them, so that thereby they may, on the one hand, be put in possession of reasons which may exist for keeping up salaries in any particular establishment; and, on the other, what reductions in other departments may be properly made in conformity with the views of the Committee. One Member at least of the Government should be appointed on this Committee, and he would be able to afford them that information respecting the salaries of the Government which they might require. I have not attempted to go further in this proposal, seeing that it is in conformity with practice and precedent, and that it is also in accordance, as it appears to me, with the general feeling of the House. I might not indeed have thought it necessary to say much more in making this proposal to the House, had I not observed that the hon. Member for Buckinghamshire intends to move an Amendment to my proposition, to the purport that "it is the duty of the Government, on their own responsibility, forthwith to introduce the measures that may be necessary for effecting every reduction in the national establishments consistent with the efficiency of the public service;" and had I not also seen on the paper the notice of a Motion by another hon. Gentleman, the Member for Oxfordshire, for a general revision of all salaries with a view to their reduction. This shows that, in the opinion of those two hon. Members with respect to diplomatic salaries, there is room for revision and inquiry, and that the subject of salaries generally ought to be considered. The question, therefore, I apprehend, is, whether the mode I propose is convenient for instituting the inquiry, and whether, at least for the present, I have taken the proper step in bringing the question before the House. The hon. Member for Buckinghamshire says, in his notice of Amendment, that it is our duty, on our own responsibility, to introduce the measure necessary for effecting every reduction in the national establishments, consistent with the efficient discharge of the public service. This would seem to imply, although the hon. Gentleman does not directly say so, that the Government has not been taking any steps whatsoever towards those reductions which they thought might be made, consistently with a due regard to the public service. I have stated the reasons for the proposal I am making, that the salaries of those holding office during the pleasure of the Crown should be inquired into, in the first place, by a Committee; but I do not mean to deny the responsibility of making every possible reduction consistent with the efficiency of the public service, by the Government itself; and if the hon. Gentleman will give me his attention for a few minutes, I will show him and the House that there has not been any want of attention on the part of the Government to this subject. In the first place, with regard to the military estimates, in conformity with measures brought in by the Government themselves; in the next, in conformity with the views of the Select Committee; and, in the third, in conformity with public opinion, large reductions have been made in the Estimates during the last two years. The extent to which these reductions have been carried appears by a statement which I hold in my hand, and which is to this effect :—

	Amount of Estimate.			Reduction.
	1848-9.	1849-50.	1850-1.	
	£	£	£	£
Army.....	6,520,835	6,142,211	6,019,397	501,438
Navy ...	7,951,842	6,273,428	5,849,423	2,102,419
Ordnance	3,115,218	2,654,270	2,434,417	680,801
Total reduction in the two years from 1848-9 to 1850-1				3,284,658

This is not the exact sum of reduction, but if you take the actual net amount at upwards of 2,000,000*l.*, it certainly does show that considerable pains have been taken to diminish the amount of the estimates. With respect to the civil departments, I must say that it appears to me, so far as regards the details and particulars, that the Government have far better means in their own hands of making reductions in the different establishments than any Committee of this House can possess, and that, I think, is shown by the inquiry we have instituted with great care into the Treasury, the Home Office, and various other offices. So far as it appears upon the general surface, we should not be disposed to say either that there is a very extravagant number in those offices, or that the salaries paid are exorbitant; yet, by a minute examination made by official persons intimately acquainted with the nature and extent of the duties to be performed, it was found possible to make considerable reductions in the offices I have mentioned. I will name a few instances of the reductions that have been effected. In less than two years one commissioner (junior Lord), two chief clerks, one senior clerkship, and four junior clerkships, have been abolished at the Treasury, besides some smaller appointments and extra allowances, whereby a net saving of 5,345*l.* has been effected. One Member of the Irish Board of Works has lately been reduced 1,500*l.* The office of Deputy Judge Advocate General in Ireland, 597*l.*, has also lately been abolished. The entire establishment of the office of Registrar of Public Carriages, 1,360*l.*, including 600*l.*, the salary of the Registrar, has been abolished, and the duties have been transferred to the commissioners of police. In the early part of 1849 a saving of upwards of 23,000*l.* a year was effected in the Paymaster General's Office, the Audit Office, and the Home Office, including the abolition of the offices of Paymaster of Civil Services and Paymaster of Exchequer-bills; and a great improvement was at the same time made in the efficiency of the three first-mentioned departments. The reductions that have been made in the Treasury in the course of thirty years have been very considerable indeed, but I will merely mention one or two of them. In 1821, thirty-eight persons holding office in the Treasury received 42,960*l.*; but in 1850 the same duties are performed by twenty-nine persons, who receive 24,680*l.*, being a reduction of nine persons and 42 per cent; and thus it appears that the duties of the Treasury in this country are performed by twenty-nine persons, receiving salaries amounting on the whole to less than 25,000*l.* I own that it appears to me, considering the multifarious duties to be discharged in the Treasury, considering the reports they have to receive, and the importance of their functions, I do not believe there could be shown in any country either in Europe or in America, an example of so much duty so well performed at so small a cost. I say this, because I cannot but remark upon the comments which have been made from time to time upon the performance of the duty in the public offices of this country. I mean those who hold permanent situations. Of late it has been said by a very clever but whimsical writer of the day, that the public offices were an Augean stable which required a Hercules to cleanse out. But I say that never were public duties performed more zealously and efficiently, and yet at a smaller cost or with greater energy, than by those who hold permanent offices. At the same time, those who have to consider this subject, those who from time to time have to reduce these establishments, are bound to compare the emoluments received by persons in these public situations with the emoluments of other persons in other public and private institutions and offices, such as the Bank of England, the India House, and the great banking and other private establishments in which salaries are paid for the performance of duties somewhat similar to those which are performed in the public departments of which I have spoken. In making that comparison, it appears to me that the advantages of salary, and more especially other advantages attending upon those salaries, are rather in favour of persons employed in the Bank, and the East India Company, and in some private establishments. I may mention here that these inquiries into the salaries of the Treasury and Home Office have been made by efficient persons, and made minutely, by going through the work of each clerk in those offices. Although the operations of these reductions are gradual, they are going on to this day. In the Colonial Office, too, where the same inquiries have been made, the result has been submitted to my noble Friend at the head of that department, who considered that the proposals made were consistent with efficiency and economy. But there are likewise other reductions which have been made of late years in the department of Customs, and what were formerly the Excise and Stamp departments. I will state generally what has been done, as I cannot now go into the details regarding the abolition or reduction of each particular office. A searching inquiry has been in progress into the department of the Customs for a year and a half past, and the reductions which have been carried into effect from the 1st of January, 1849, to the present time are these:—One commissionership with 1,200*l.* a year, and the prospective reduction of the next vacant commissionership, while the entire establishment of mounted revenue police has been abolished, and the number of revenue cruisers has been diminished, whereby a great saving has been effected. However, the detailed account of the reductions carried into effect in the Customs, from the 1st of January, 1849, to the present time, gives these results:—One commissioner, 1,200*l.* (the next vacancy at the board will not be filled up, causing a further saving of 1,200*l.*); one surveyor general, 900*l.*; one inspector general of the waterside department, 600*l.*; inspector general of the coast guard in Ireland, 800*l.*; assistant solicitors in Dublin and Edinburgh, 900*l.*; salary of solicitor reduced from 2,500*l.* to 2,000*l.*—500*l.*; salary of assistant solicitor reduced from 1,200*l.* to 1,000*l.*—200*l.*; 17 officers and clerks in the secretary's and solicitor's offices and coast guard office, have been reduced 2,886*l.*; at 43 outports and creeks 82 officers have been abolished, with salaries of 8,585*l.*; in the quarantine department at five stations, 60 officers and men have been reduced with salaries and emoluments amounting to 4,042*l.*, besides a considerable saving in the wear and tear of vessels and stores; 20 revenue cruisers, 28,566*l.*; mounted guard, 112 officers, 13,656*l.*; at the outports the salaries of 65 separate offices have been reduced in amount 1,956*l.*; making a total of 64,791*l.* In addition to these reductions, the salaries of many other offices will be reduced as opportunities present themselves of providing for the present holders by promotion or otherwise. A reduction of 28 clerks in the Long Room establishment is in contemplation, whereby a saving will be effected of 6,915*l.*, and the reductions in this department are still in progress. Thus, therefore, I have shown that with respect to that department at least there has not been any neglect in carrying out an effective reduction. The Excise and Stamps, combined with the other Board of Inland Revenue, formerly comprehended a very large establishment of commissioners; and those who know anything of official patronage are well aware that commissionerships of revenue are not those which are the least sought after by those who wish to enter the public service without having gone through the lower ranks. In 1792 these boards consisted of 38 commissioners; and the present board consists of a chairman, a deputy chairman, and six juniors, at a saving in salaries alone of upwards of 36,000*l.* a year. The object which the Government had in view in consolidating the Board of Excise with the Stamps and Taxes was to effect every possible reduction in the charge of collection, by placing under one board of management the inland revenue of the country. The reductions which have been effected since the consolidation have necessarily been confined to the commissioners and some of the principal officers. With regard to the commissioners, the number prior to the consolidation consisted of twelve; namely, two chairmen, two deputy chairmen, and eight junior commissioners, and their united salaries amounted to 17,000*l.* per annum. The number under the consolidated board at present is eight—namely, one chairman, one deputy chairman, and six junior commissioners, to be reduced on the first vacancy to five. The salaries of such reduced establishment will be 11,500*l.*, showing a saving, as compared with the late establishments, of 5,600*l.* per annum in the boards alone. But these savings in the boards show but a small part in point of money of the general reductions that have been made. There has been a reduction of the superior officers by the consolidation, and a further saving has been effected by the abolition, at the head office, of a secretary, at 1,500*l.* per annum; a solicitor, at 2,000*l.*; an assistant solicitor, at 1,100*l.*; a receiver general, at 1,200*l.*; a comptroller general, at 1,000*l.*; total 6,700*l.*—subject, however, to an increase in consideration of augmented duties in the salaries of the like officers who are retained, amounting to 1,000*l.* per annum, being a positive saving of 5,700*l.* per annum. A further saving has been effected by the abolition of the office of auditor and comptroller of Excise. This salary of 1,200*l.* a year has been entirely saved to the public, he having been transferred to a vacancy at the Board for Auditing Public Accounts. Some additional saving has also been made by the reduction of this establishment, the amount of which is about 600*l.* a year. When the measures in progress have been effectually carried out, and the whole brought under one roof, it is anticipated that the services of a very considerable number of officers and clerks will be discontinued both in the indoor and outdoor establishments; and a total saving effected of not less than 100,000*l.* per annum. The summary of savings to this date is as follows:—Board, 5,600*l.*; principal officers, 5,700*l.*; auditor, 1,800*l.*; inspectors and clerks, 7,800*l.*; distributors reduced, 3,000*l.*; poundage, 10,000*l.*; comptroller in Scotland 1,200*l.*; solicitor in Ireland, 2,000*l.*—total, 37,100*l.* But beyond this I may state that in 1833 the number of persons employed in these departments was 9,183, whereas it is now but 7,029—a reduction in round numbers of 3,000*l.*; while the salaries, amounting in 1833 to 962,000*l.*, are now reduced to 715,000*l.*, or a saving of 247,000*l.* Whatever vacancies have occurred among clerks and other officers, by death, resignation, or otherwise since the consolidation, have not been filled up, nor is there any intention of doing so. The amount of this saving cannot be very accurately calculated, but it now amounts to some hundreds of pounds, and is continually increasing. The present Board of Inland Revenue consists of a chairman, deputy chairman, and six junior commissioners, to be reduced to five junior commissioners on the next vacancy; but in 1792 the various boards now comprised under the single title of "Inland Revenue," consisted of 38 commissioners, and the saving in the salaries of the commissioners and secretaries alone is upwards of 30,000*l.* a year, exclusive of all other expenses. Therefore very considerable reductions have been made by the Government proposing measures which have received the sanction of this House, and which did not require such a resolution as that which the hon. Member for Buckinghamshire now proposes, as if he imagined that the Government never thought of any reduction at all until he propounds it to them. Why, the fact is, that since 1833 2,170 persons employed in the Stamps and Excise alone have been reduced, whilst savings have thereby been effected to the amount of 250,650*l.* I have stated these things to show that Her Majesty's Government have been endeavouring to enforce economy in all those branches of the State which are immediately under their control. There have been from time to time various other reductions; but it has always been our endeavour to carry all these reductions into effect with as little hardship as possible to individuals; and, therefore, these reductions did not take place in a sudden manner, or by a large amount taken off at once from the money paid in salaries and superannuation and retiring allowances, but they took place as vacancies occurred. I may here say, that, in asking the House for this Committee, I propose it as a Committee might have been proposed in 1798, or in 1807, or in 1830; that is, with the view of ascertaining what reduction can be effected consistently with the efficiency of the public service, but certainly not in accordance with the notion which some hon. Gentlemen have taken up very warmly, that, in consequence of the fall in prices, a sudden and general reduction of salaries should be made according to some scale which they have formed in their own heads. It is absurd to found such a proposition on the present price of corn and bread in the market. If we were to adopt such a principle, it would be necessary to have a tariff of salaries varying with seasons of plenty and scarcity. To this view I think there are so many objections that no Committee would carry them into effect. The salary might be fixed relatively to the price of corn in 1850, when in another year the price might be that of 1847; and so the salaries would have to be varied according to the high or low price of corn, and the scarcity or plenty of the supply. The Committee, if they went into the question on this principle, would have to consider not only what was the price of corn, but what reduction was practicable in all those expenses to which persons employed in public offices are subjected, and whether in this respect also any large reduction could be made. Now, I have had before me to-day an account in detail of what are believed to be the expenses of a clerk receiving a salary of more than 150*l.* a year; and, in looking over the items, I have not found above one or two, and those are amongst the least considerable, in which, in fact, any reduction is made. I am speaking now with regard to those who are in the permanent service of the Crown, because it is with regard to them especially, I think, that the House will have to consider whether any reductions can be made in the public establishments. There are various other objections which must arise if it were seriously proposed to make reductions simply with reference to the price of provisions at the present time as compared with past times. At the same time, I do not mean to say, that as, on the one hand, the general price of living increased during the war, so, on the other hand, if you find the general price of living to be very much decreased at other times, certain salaries may not be reduced in accordance with the existing general scale; but if you took the present year as a standard of what should be the expenses of persons in public offices—more especially considering that those persons, or a great number of them, have to live in London, and to pay the rent of houses and lodgings and other expenses necessarily attendant on a residence in the metropolis, I think you would find it impracticable to carry your object into effect. I have now concluded what I had to say with regard to the general proposition which I have to make. Perhaps I need hardly notice another notion which has been lately started, namely, that the public service would be better carried on if the persons who had to perform that service were altogether removed from Parliament, that is, if they had not seats either in this or in the other House of Parliament. It is obvious that such a proposal is quite inconsistent with the machinery of our mode of government. Unless you have persons in this and in the other House to defend the measures which have been adopted, and to press on and support the legislative measures which are introduced, it is quite impossible that there can be any sort of harmony or any good understanding between the majority of the Members of the Houses of Parliament and the Executive Government. We had a strong instance of this in an attempt which was made, I must say with the purest desire for the public service, and in which I was concerned, as one of the Members of the Government—I refer to the establishment of the board for the administration of the new poor-law. I can answer for it, that nothing could be more disinterested than the choice made by the Government of Earl Grey, of persons to fill the office of chief commissioner; but every Member of this House must be sensible that the having an office of administration, which could not make its own defence in Parliament, and, at the same time, the having a Secretary of State to defend the administration of the law, without being himself aware of the various details which had to come before the board, led to an enormous amount of complaint—very often undeserved complaint—which occasioned such a distrust of the board as was most injurious to the administration of the important law which was placed under their charge. It was proposed two or three years ago, as the result of experience, to alter that system. The system was altered; and under my late lamented Friend, Mr. Charles Buller, and my right hon. Friend, now President of the Poor Law Commission, no complaint scarcely has been made by the public. Explanations are now made which have been found satisfactory, and every one is now aware that there is that easy and harmonious working of the poor-law administration which was never seen until a Member of the Poor Law Board sat in this House. I mention this as an instance, though I could never expect that any Committee of this House, composed of persons of experience, would give in to so wild and and chimerical a notion as that which I have mentioned. I think it well that the House should have before their eyes the fact that the Government of this country being a Parliamentary Government, it is quite necessary that persons holding high offices in the State should be Members of the Houses of Parliament, that they may be here to defend or explain their conduct. Sir, I now leave this question in the hands of the House. I feel confident that an independent Committee will deal with it with reference to the great interests of the country which are involved. We who are the Members of the present Government are mere tenants at will of our offices. Hon. Gentlemen who will sit on the Committee will have to consider the permanent interests of this country; and as, on the one hand, by sanctioning extravagance, so, on the other, by reducing salaries to a point which would place it out of the power of persons of moderate means to accept office, they may inflict serious injury on the country.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the Salaries and Emoluments of Offices held during the pleasure of the Crown by Members of either House of Parliament, voted in the Annual Estimates; and also into the Salaries and Emoluments of Judicial Offices in the Superior Courts of Law and Equity in the United Kingdom; and into the Retiring Pensions allotted to the Judges; and also into the Expense of Diplomatic Establishments charged on the Consolidated Fund."

Mr. DISRAELI: Sir, if I did not think that the Amendment I am about to propose to the Motion of the noble Lord at the head of the Government was one which, if adopted, would be to the honour of this House, and to the advantage of the country generally, I should not have ventured to obtrude myself upon the notice of the House. I have listened with great attention to the address of the noble Lord, who has certainly communicated to the subject a character extremely interesting; but when I heard, in common with the House, that Her Majesty's Ministers had for a considerable period—a fact of which I believe we are all well aware—been employed in effecting considerable reductions in the expenditure of Government, the only impression on my own mind was, why did not the noble Lord persevere in that course which he had been prosecuting so effectually, and why did he come down to-night and ask for a Committee of the House of Commons to discharge a duty which, according to his own account, the noble Lord himself has so successfully fulfilled? I thought, indeed, that the statement of the noble Lord was rather a vindication of the principle I have to maintain before the House, than one which could at all authorise the Motion with which the noble Lord concluded. I will not say that the noble Lord has laid down a principle in the course he has pursued; for the House will, I think, agree with me that it was difficult to extract anything precise or clear as to the principle which influences the mind of the noble Lord on the present occasion. But if the noble Lord has touched very lightly upon principles, he has dwelt very amply upon precedents, from which we may, perhaps, arrive at the principle which now actuates the course of the Government, and also, perhaps, at the principle which, constitutionally, and for the honour of this House and the advantage of the public service, is the one which, in my opinion, we ought to recognise. The noble Lord has very amply dwelt upon precedents for referring to Committees of this House the estimates for the public service, and he has very properly reminded the House that that course pursued by a Minister has been productive of great public benefit. I will not stop to remind the noble Lord of the unwillingness felt by the Government at that time with respect to that reference. I will not stop to remind him of the speech of the hon. Baronet the Member for Oxford University, who, while I think he erroneously objected to this course on constitutional grounds, congratulated the House on the fact that the Government had acknowledged that if these estimates were altered, it would quit office — these estimates were altered, but fortunately the Government have not quitted office. But allow me to remind the House of the essential difference that there is between the instances to which the noble Lord has referred, and the course which the noble Lord intends to pursue. It is very true that the Government, as other Governments before them, referred their estimates to Committees of this House. But what is an estimate? An estimate is the embodied opinion of the Government upon a great branch of the public service. The Government come forward and express, unequivocally, their opinion of the necessary expenditure of the great branches of the public service; and having thus avowedly committed themselves to what they consider the requisite amount, they defer to the House of Commons, and solicit or accede to their opinion as to the details. The Government, under these circumstances, do not shrink from stating their opinion; they come to the House and say, "We believe so much is necessary for the service of the country, with regard to the expenditure of the Army for instance; but, in consequence of the feeling expressed in the House, and our confidence in the House, we are perfectly willing that these estimates—these embodied opinions of the Administration—should be referred to the criticism of a Committee of the House of Commons." But I cannot find, in the Motion of the noble Lord, that he has proposed to refer any opinion whatever to his Select Committee. As far as the Motion of the noble Lord is concerned, I am at a loss to gather whether it is the opinion of the Government, with regard to these peculiar branches of expenditure, that they are susceptible of reduction, or that they are not susceptible of reduction. If it is the opinion of the Government they are not susceptible of reduction, the Government is trifling with the House of Commons; but if it be the opinion of the Government that they are susceptible of reduction, the Government must have arrived at this conclusion after due investigation, after proper inquiry, after mature reflection; and all that I ask the Government is, to act upon that investigation, upon that inquiry, and upon that reflection; and, giving us the result of their counsels, request the House of Commons to authorise the course which they, in their wisdom, think the best for us to pursue. As far as precedent, therefore, is concerned—though I rely upon the present occasion very little upon precedent, for in my mind a great constitutional principle is involved in the question we are to discuss to-night; but, as far as precedent is concerned, with regard to the most important subject alluded to by the noble Lord, there is no analogy between the two cases. Between the instance of a Minister who produces his estimates, lays his embodied opinions before the consideration of a Committee of the House of Commons, and that of a Minister who, upon the subject in question, authorises no opinion, commits himself to none, and calls upon the House of Commons to perform his work—there exists no analogy whatever. But let us for a moment pursue the course of precedents referred to by the noble Lord, for it appears to me to be essentially infelicitous. I have disposed of one branch of his precedents—that by which he has endeavoured to pass upon the House the fanciful analogy between the present proposition and the former case of estimates; and now I would take the case of 1831, namely, the Committee of Lord Althorp, which was appointed to inquire into the salaries of offices held by Members of both Houses of Parliament. Is that a precedent for the Motion of the noble Lord? Admit, which I am not ready to admit, that it is politic that a Committee of the House of Commons should inquire into these subjects, and that the Minister should be exempted from offering his preliminary decision to us, how does the precedent of Lord Althorp's Committee of 1831 apply to the Motion of the noble Lord now before the House? The Motion of Lord Althorp referred entirely to the salaries of offices enjoyed by Members of both Houses which were voted in the annual estimates; and though I am not prepared to admit in the present instance that it is advisable for the House of Commons under any circumstances to accede to a Committee with so limited an object as that, still I will show the House that, even if you admit the precedent of Lord Althorp, it has a most partial and unsatisfactory bearing upon the proposition of the noble Lord. For what is that proposition? It is not one merely to inquire into the offices held during the pleasure of the Crown by Members of both Houses of Parliament, properly described in this Motion as voted in the annual estimates, but it is to inquire into the emoluments and retiring pensions of Judges, and the whole expenditure of diplomatic establishments. Let the House remember that the salaries, emoluments, and retiring pensions of the Judges, and the whole expenditure of the diplomatic establishments, are not in the annual votes, but that they are secured by Acts of Parliament; and, therefore, if you refer these subjects to a Committee of the House of Commons, the Committee, if it comes to a vote, as far as judicial and diplomatic expenditure is concerned, comes to a vote that is entirely noneffective. All that it can do is to express an opinion; for as it has to contend with salaries secured by Acts of Parliament, a vote is of no effect whatever. To make that vote effective, what then must be done? The Minister will be driven to introduce a Bill to deal with judicial appointments, salaries, emoluments, and retiring pensions. If, in like manner, he is to deal with the whole hierarchy of diplomacy, the Minister must introduce a Bill. Then why does not the Minister introduce a Bill now? Let the Minister introduce a Bill. We should then have the opinion of the Minister; and if there were any points of detail—though I am not prepared to say there would be —requiring the investigation of a Committee of the House of Commons, the Bill might be referred to a Select Committee. Let the noble Lord then introduce his Bill, and move that it be referred to a Select Committee. He may thus obtain all the advantage of investigation by a Committee of the House of Commons; whilst the Committee would, at least, be in possession, which they are not by the proposal now recommended, of the opinion of the Minister and of the Cabinet. I have in my Amendment, which the noble Lord appears much to have mistaken, expressed my opinion that the House is in possession of all the information that is necessary to revise and regulate public salaries. I would refer merely—though that is by no means all the information we possess— to the numerous reports and Parliamentary documents which the noble Lord has made use of, as one of the justifications of that assertion. With regard to the report of 1831, I observe, from what fell from the noble Lord to-night, and from some expressions of his on another occasion, that showed the tone of his mind upon the subject, that it has, in fact, been the basis of the policy he is now assuming. In referring to it, then, I would call the attention of the House to the reason given by Lord Althorp for not inquiring into Parliamentary salaries, and I would ask the House whether they consider it one that is satisfactory? Lord Althorp, at the commencement of the speech with which he moved the Committee of 1831, assumed —not, I apprehend, as a matter of principle, but rather as a matter of sentiment —that there was an indelicacy in a Minister settling the amount of his own salary. The noble Lord has referred with approbation to that sentiment, for I cannot call it principle, as influencing him in the course he is now pursuing. Now, I ask the House—are they prepared to sanction this sentimental course of policy? In my opinion, there is no quality in business more dangerous than delicacy. I do not know what Gentlemen, from their own experience, may feel upon the subject, but in my limited experience I can certainly say that whenever delicacy has been admitted in the transaction of business, I have always considerably suffered. Now, I do not think a Minister ought to be allowed to shrink from the performance of a public duty by telling us he considers it indelicate. I think, for example, that there is nothing indelicate in an individual, occupying the post of a Minister of the Crown, looking not merely to his own interests, but to the interests of his successors, settling, upon his own responsibility, and from his own knowledge of the subject, which must be superior to that of any Committee of the House of Commons, what he thinks is a fair and honourable remuneration for his public services. Duly considering the responsibility of the post, that it is the interest of the public that the highest talent should be engaged in the public service, he ought not to have any difficulty — at least he ought to feel no delicacy—in settling the question. But we must remember that Lord Althorp— though I am willing, as I am sure every one must be, to do justice to the great qualities of that eminent person—was bred in the exclusive Parliamentary system which flourished in this country from the accession of the House of Hanover to the year 1830: he looked upon Ministers of State as relations, and saw only intimate friends in those who were sitting before or behind him: so on this question he felt, perhaps, a delicacy which I do not think ought to be recognised in a reformed House of Commons. Now, Sir, I am of opinion we have sufficient information, in the first place, to revise and regulate all public salaries. We have that information, in my opinion, in the documents to which the noble Lord referred in the series of reports which he has brought under our consideration; and every report, especially the more recent ones, which he has brought under our notice as a precedent, is, in my mind, an argument against the Motion of the noble Lord, and one in favour of the Amendment I am about to propose to the adoption of the House. We have, however, other information. We have every year the number and the salaries of all those offices which are annually brought under our consideration. There is not an individual who fills any of those offices whose name we do not know, and with whose salary we are not acquainted. Not only as Members of Parliament, but as men of the world, we cannot help being able to form an opinion, founded upon the information which exists in our archives, upon the nature of the duties which those individuals fulfil. I want to know, then, how, if we agree to appoint this Committee, we are to obtain more information? I assume that the Committee will have the power of summoning witnesses? [Lord J. RUSSELL: Of course.] The noble Lord says, "Of course." Then of course the Committee will have the privilege of summoning the Judges. Will you examine the Judges as to their personal expenses on their circuits? Will you make them produce their tavern bills and their vouchers? Will you call eminent counsel before you and examine them as to the amount of their professional incomes? Will you summon their clerks to produce their fee books? It is impossible you can contemplate doing anything so indecorous or indiscreet. But the Government have all this information, and that from the best sources. The Government may hold confidential conversations with the Judges, that would not offend the dignity of the highest magistrate, and courteously obtain the most authentic information. The Government can easily acquire a knowledge of the amount of the incomes obtained by the most eminent members of the Bar, because they have sitting immediately by them two of the most eminent members of the Bar, who can inform them fully upon the subject, both as to the courts of law and as to the courts of equity. Mind you, that the Government are a portion of the House; that the information of the Government is the information of the House; and that the Government may have now upon these subjects, though privately, all the information they are now asking you to obtain by a Select Committee. Let us now look to the diplomatic establishments. How will you investigate that subject? Will you summon our ambassadors from Constantinople, Vienna, and Paris, and examine them? Will you have all our Ministers from the other three orders of the diplomatic hierarchy brought from the German Courts to be examined by a Committee of the House of Commons; or will you, to obtain information much more useful and satisfactory, summon the noble Lord the Secretary of State for Foreign Affairs? The noble Lord would give you ample, accurate, and complete information—you would have it from a Minister perfectly acquainted with all the details of his office, and you could have no opinion that would guide you more skilfully; but suppose the noble Lord, instead of giving his evidence, should prepare a Bill, and introduce it into this House? We should then more especially have the advantage of his knowledge and experience, and at the same time more quickly achieve those results, with far greater economy of time and efficiency to the public service, which we all so much desire. The noble Lord, in adverting to my Amendment, has, I am sure, from misapprehension, entirely misconceived the meaning of the latter portion of it. The noble Lord seems to think that, in laying down an abstract declaration that it is the duty of Ministers to introduce measures that may be necessary for effecting the reductions that are compatible with the efficient discharge of the public service, I have attempted to impress upon the House that Her Majesty's Ministers are guiltless of any attempt at reduction. But the Amendment I am about to propose is perfectly irrespective of what Ministers have done in past times. It says, that whatever reductions are necessary to be effected in our establishments now, it is the duty of Ministers at once to come forward, and upon their own responsibility make them; so that it is totally independent of any consideration of their past efforts. I am perfectly aware that in attempting to offer any opposition to a measure which comes forward in a very plausible shape, but which I am induced to believe the House, after due consideration, will find to have a very insidious tendency, I have no slight difficulty to contend with. I have to contend against a proposition which, upon the surface, is flattering to the feelings of the House of Commons, which seems to delegate power to the House, which seems to increase the power and the authority of this assembly; but all I ask the House is, well and wisely to consider whether the effect of the Motion of the Minister be really of that character—whether it may not rather have a tendency to diminish the authority of this House, instead of increasing it. Now let us see in what situation the House will be if it accedes to the appointment of this Committee. In the first place, we have to deal with the nomination of the Committee. I have not the slightest doubt that Gentlemen are well acquainted with what would be the elements of a Committee of this description. I will not for a moment say that it would be a packed Committee, because that would be coarse, but it would be a well-arranged Committee—it would be a Committee the majority of which would consist of Gentlemen who, from political feeling, and possibly from private feeling, had a lively sympathy with the policy of Her Majesty's Ministers. In such a case it is very possible that those who are advocates for revision, regulation, and retrenchment in the public establishments, would not find the Committee arriving at any resolution favourable to those objects. But advance another step, and suppose the Committee is not merely a fair Committee, but that it absolutely acts fairly, and suppose it comes to a resolution favourable to the objects which a great many have at heart. Then it will be a Committee that, with the exception of the less important subject of Parliamentary salaries, will come to resolutions upon subjects over which it has no control, for they are subjects regulated by Acts of Parliament, which the opinion of the Committee could not affect. But there is another consideration which the House, before it agrees to the Motion of the Government, would do well to weigh. What I want to impress upon the House is this—not to be led away by the precedent of estimates referred to Committees. I do not want to take a pedantic view of the character and duties of the House of Commons. I do not want to maintain, in a severe construction of the theory of the constitution, that the duties of the House of Commons in the present day should be like the duties of the House of Commons in the days of the Tudors or the Stuarts. On the contrary, I admit that it is not only a necessity, but a beneficial necessity, that a great portion of the power of the State should be concentrated in this assembly. I do not grudge the power which the House has over the public purse; on the contrary, I deplore that of late years, and especially since the Parliament has been reformed, the power of the House of Commons over the taxation of the country has been almost continually diminishing. The House of Commons has now only a comparatively small portion of the public expenditure under its control, and I regret it. I felt it to be most impolitic when the House of Commons consented that the sugar duties should cease to be regulated by an annual vote. It is not, therefore, the authority of the House of Commons, of which I am a humble Member, that I am contending against, when I tell them they will make a very great mistake if they permit the Minister, by alleging the precedent of a reference of the estimates, to induce them to agree to this Motion. What will be the situation of the Committee, if it acts as the most sanguine financial reformer can hope for under the circumstances? Why, hitherto, notwithstanding it has been the theory of the constitution that this House should have the privilege of originating taxes, it has been the rule that no private Member of the House should have the power of proposing a vote of public money. You have been made the guardians of the public purse, and the critics of the public expenditure, and, therefore, necessarily placed in a popular position. When the Minister puts the estimates before you in the manner in which they have been prepared, he appears to transfer the Executive from Downing Street to St. Stephen's. That at least is a constitutional, legal, and proper course, but one which would be taken by no Minister except under extraordinary circumstances. Then he asks the House of Commons to fulfil its popular functions, the exercise of which has made it live so long in the affections of the people. Then he asks you to guard the public purse, to be the critics of the public expenditure. But what does he in the present instance, when he comes forward without any proposition whatever, places in your hand a blank sheet, and asks you to fill it up with the amount you think necessary for the expenditure of the country in these particular establishments? Why, he asks the House of Commons to tax the people; he invests you with a most invidious privilege; and hereafter, if those establishments are found galling and oppressive, the people cannot say, "it is the Administration that oppresses us"—they cannot say "it is Downing Street," to which the noble Lord has referred, "but it is the House of Commons;" and thus the House will be placed in an obnoxious position. The people look upon the House of Commons as the guardians of their treasury, and they come to it to save them from the fiscal extortion of the Executive Government. In fact, while nothing can be more unconstitutional than the Government escaping from the responsibility incident to itself by such a course; it could take no course more calculated, at the same time, to diminish the authority or to lower the character and influence of the House of Commons in the country than that which calls upon them to settle the amount of the taxation of the country. I ask the House now to consider what must be the conduct of this Committee, and what the inevitable consequences upon the business of the House, if they agree to the Motion of the noble Lord? Whatever may be the information which we possess, and amply possess, upon all these salaries, with regard to their revision and regulation, and whatever may be the information possessed by Government, irrespective of their position as Members of this House, if the Committee is appointed one thing is quite clear—namely, that they must investigate *de novo;* they must inquire as if they had no previous knowledge whatever; because nothing will be authentic, and nothing satisfactory to the country, under such circumstances, but a complete examination. Mark then into what the Committee will have to examine. They will have to examine into three subjects, which, if they are examined amply and minutely, would require of themselves three Committees. They will have to examine upon three subjects, each of which will require from the Members a combination of knowledge and of qualities that we can hardly flatter ourselves even the House of Commons, in a small number, could supply. A man who would be qualified to decide upon the amount of salary that should be paid to Members of Parliament holding office under the Crown, might be a man very ill qualified to decide upon the question of judicial salaries; whereas the man most competent to decide upon the question of judicial salaries might be utterly lost the moment he entered into the complicated considerations connected with our diplomatic establishments. That being the case, what would be the necessary consequence of the appointment of the Committee? It would be a very flattering estimate to suppose at the end of the Session they would have concluded their labour. No one supposes they could conclude their labours; and at the commencement of the Session of 1851 they would ask leave to sit again. We have heard a great deal about the exhibition of works of art and industry to be held next year, and great doubts have been expressed by some whether our countrymen will be able to compete with foreigners with success; but I think there is one article of domestic manufacture, that need fear no competition, and that no foreign nation would be able to match the blue book which would be produced by the Committee on public salaries. Well, then, I ask those Members of this House who are anxious that there should be revision, regulation, and reduction of establishments—can you consistently support a Motion which must lead to this inevitable result, when it is in the power of Government, upon their own responsibility, furnished with the ample information they possess, to come forward in a frank and straightforward manner, and give us the advantage of their knowledge, by at once introducing Bills upon these important subjects? Who can doubt that the noble Lord the First Minister of the Crown, who has been a Member of this House between thirty and forty years—who has always, from the turn of his mind and studies, given his attention very much to constitutional subjects, and to all questions connected with the House of Commons—could not settle the whole question himself in one morning as to the propriety of the existing scale of Parliamentary salaries—a question which would take a Committee months, and perhaps even a Session, to decide? Who can doubt that the right hon. Baronet the Secretary of State for the Home Department, and those with whom he could officially advise, could not come to a fair and satisfactory, a discreet and dignified decision respecting judicial salaries? Who does not know that there is no one in this House more competent or better qualified than the noble Viscount the Secretary of State for Foreign Affairs to decide upon questions affecting our diplomatic salaries? We might have these Bills brought in at once; and if it is the opinion of Government that there should be reduction in these several services, the Bills ought to have been brought in long ago. They ought upon their own responsibility to have acted thus in a frank, straightforward, and constitutional manner, and they would then have accomplished that which would be for their own credit, and satisfactory to the House and to the country. Let me now advert to what must be the inevitable consequence upon the conduct of business in this House if you accede to the Motion of the noble Lord. The noble Lord at the head of the Government has referred to the notice given by my hon. Friend the Member for Oxfordshire, and he has also done me the honour of referring to a Motion of mine. I am not at this moment acquainted with the details of the proposition of my hon. Friend the Member for Oxfordshire; but I know enough of his sincere and straightforward character, that I am convinced he has not taken up the question in an idle or trifling spirit. I know, too, it has occupied his consideration for a considerable time. I know also his business-like habits and indefatigable perseverance; and whatever may be the opinion of the House upon the proposition, when it is introduced, I cannot doubt but all will agree it will be a well-considered, matured, and digested proposition. But what chance can my hon. Friend have of introducing it with success, if he is to be told by the First Minister rising after he has sat down, that there is a Committee sitting upstairs inquiring into the subject, and therefore no proposition of the kind can be listened to? Can any of you who for a moment may have fancied it was for the honour of the House of Commons and the interest of the country that you should support the Motion of the Minister, when you reflect upon the consequence of such a Motion being carried upon the conduct of business in this House in the hands of independent Members, make up your minds to support a proposition which, if not absolutely unconstitutional, is in its origin, as it will be in its result, most hostile to Parliamentary independence? The noble Lord has adverted to a notice which I have placed upon the Paper; and he might taunt me that it was given the day after he gave notice for his own Committee. I can assure the Government, however, that that was a casualty which arose from my sudden and constrained absence. The hon. Gentleman the Member for Montrose is well aware that long before the notice of the Government was given, I had mentioned to him that it was my intention to bring the subject forward. [Mr. HUME: Hear!] I have no wish to allude to the causes which of late years have produced an impatience of taxation in the country which did not exist some time ago, for I do not want that any controversial elements should enter into the discussion to-night which are not appropriate to its character; but Gentlemen on both sides will agree that there is a demand, upon the part of the constituency, that greater economy in the administration of affairs should be enforced. I felt it my duty to oppose a Motion which nominally, and I have no doubt sincerely, aimed at economy, and which bore on its face the character of extensive reductions. I opposed that Motion because it appeared to me to be founded on a faulty basis, inasmuch as it proposed to establish an arbitrary scale for our expenditure, drawn from a past period, and without any reference to present necessities. I opposed that Motion, also, because the reductions it proposed were of a vast character, and because their proposers studiously refrained from going into questions of detail. I thought such a mode of dealing with the expenditure of the country was unwise, and worse than that even, it was wholly impracticable. I was of opinion that if a reduction in our establishments were to take place, it must be made by those who were masters of all the details in the particular departments, who could lay the fruits of their long experience in the shape of a practical Motion before the House, and could confidently call upon the House to support them. I did then give the notice which the noble Lord has done me the honour to refer to. I should have willingly seen that question taken up by the Government. Indeed, I was for some time in hopes, hearing the rumour that practical measures were about to be brought forward by the Administration—I was in more than hopes, that that measure which I had attempted to grapple with would have been taken up by the Government. But it was not. I ventured to give that notice, not unaware of the difficulties attending the question. I know nothing more irksome in this House than to attempt to propose reforms, particularly when in opposition, or what is called a mere Member of Parliament, in any important branch of the public service. The diplomatic service is one to which many Gentlemen have referred, with respect to which there is a general idea that considerable retrenchments may be made, consistent with a due regard to the efficiency of the public service; but, as the details of that department are not so familiar to the House as those of a domestic character, it has generally continued to escape attention. I was aware of the extreme difficulties which I would have to encounter, and in saying this I know I am describing the feelings of many hon. Gentlemen under similar circumstances. I should have to encounter first of all official information; I should have to encounter a Minister, and, in my case, a Minister unrivalled in his acquaintance with the details of office. These are fearful odds; and what is to sustain any man under these circumstances? Next to the honourable passion of public distinction, his belief in the generous sympathies of men on both sides of the House, that, under the circumstances, they will look with indulgence on any slight error, and that they will support him when he is felt to be mainly in the right. But I ask, what possible chance of success could I have, when I had to encounter not merely official information—not merely an accomplished and able Minister, but when I should have to appeal, as I shall have to appeal if this Motion of the noble Lord be carried, to an emasculated assembly which has delegated its functions to a small body of men sitting in a room upstairs? You cannot have the public spirit of the House of Commons any longer to support you, if this Motion be carried. The great body of the House of Commons may indeed continue to meet *pro formâ;* but so far as effecting judicious reductions of the public expenditure is concerned, if this Motion be carried, it is a vain hope—a mockery, a delusion, and a snare. I have heard, with great regret, not as regards this Amendment—for, after all, that is a transient circumstance—but I have heard with great regret, that several hon. Gentlemen approve of this Amendment, but will not support it, because it is a party move. This is a dangerous and vague phrase; and those whose conduct is controlled by such phrases had better well consider before they allow themselves to be swayed by its influence. I do not depreciate party connexion. I believe that so long as we have a Parliamentary constitution, party connexion is absolutely necessary, and that without it our Parliamentary constitution would degenerate into a corrupt despotism. I want to see the action of two great parties in this House. I believe that their existence is beneficial for public liberty, and for the welfare of this realm. But that is not the opinion of some hon. Gentlemen in this House—of those who ostentatiously proclaim that they do not approve of party connexion — who arrogate to themselves the privilege of being in a particular manner the representatives of popular interests and popular sympathies, and who tell us, on every occasion, that party connexion has been the cause of great evil to this country. I must say, that I shall be surprised if hon. Gentlemen holding those opinions should vote against an Amendment of which they approve, because they are told that it is a party move. If this is not an Amendment called for by the business which has long been on the Paper before the House, I am at a loss to discover what is. Had it not been for the Motions of the hon. Member for Oxfordshire, and others—Motions which, from whatever side of the House they may come, and in whatever way they may be decided, are well deserving the consideration of this House—had it not been for these Motions, this Amendment might never have been brought forward, for it is but to defend the independence of the House of Commons against a Ministerial manœuvre. What may be the fate of this Amendment it is not for me now to predict; but this I say in bringing it forward—I brought it forward because sincerely I believed that, if adopted, it would sustain the honour of this House, uphold the credit of the Administration, and conduce to the welfare of the public service.

Amendment proposed—

"To leave out from the word 'That' to the end of the question, in order to add the words, 'this House is in possession of all the information requisite to revise and regulate Public Salaries; that Parliamentary Committees of Inquiry, under such circumstances, would only lead to delay; and that it is the duty of the Government, on their own responsibility, forthwith to introduce the measures that may be necessary for effecting every reduction in the National Establishments consistent with the efficient discharge of the Public Service,'"

instead thereof.

Sir B. HALL said, that he would offer a few observations not only as to what had fallen from the noble Lord at the head of the Government, but as to what had been observed by the hon. Gentleman opposite, who had just spoken. Before he did so, however, he must say that it was a source of great congratulation, not only to himself but other hon. Gentlemen, to find that when any question was brought forward which involved the reduction of the national expenditure, or any matter was introduced which tended to a reduction of taxation, they were no longer obliged to go into the lobby in small minorities, whose numbers averaged from five to twenty, but now, when questions of that description were introduced, the numbers of their minorities were sufficient in magnitude to compel the Ministers to come down to the House and to propose measures favourable to reduction. This was not a question relating to the principle of reduction, but to the mode of carrying out that principle; it was a question as to whether it should be done in the usual way by a Committee of that House, or whether they should throw the whole consideration of the matter into the hands of Government, and to allow those who had hitherto shown themselves to be unwilling parties to consider the subject, and make such propositions as they may think necessary. He would not now say a word as to the new-born zeal of hon. Gentlemen opposite on this question. He would not impugn their motives or intentions, but he thought that when this matter was put into the hands of the hon. Member for Buckinghamshire, and taken out of the hands of the hon. Gentleman the Member for Oxfordshire, it took quite a different aspect. When the leader of a great party made such a proposition, they understood him, not only to be speaking his own sentiments, but those of the hon. Gentlemen who were generally in the habit of supporting him. The object of the Amendment of the hon. Member for Buckinghamshire was to place in unwilling hands the reduction of these salaries, instead of in the hands of an impartial Committee. He (Sir B. Hall) would much prefer that a Committee were appointed to inquire into the whole question of the salaries of all officers under the Crown, both superior and inferior. He had no doubt of the necessity of a full and searching inquiry, not only into the salaries of the first officers, but into the salaries of the subordinate officers, ranging from 500*l.* a year up to 5,000*l.* a year. He understood the noble Lord to say that some time ago there were forty persons in the Treasury, who altogether received the sum of near 43,000*l.* per annum, but that now there were twenty-nine persons, among whom was divided the sum of about 25,000*l.* per annum. The noble Lord had desired the House to consider the Treasury in relation to any great mercantile establishment. He (Sir B. Hall) could act upon the suggestion of his noble Friend, and he could not help observing that where such a large sum was annually spent on such a number of men, he was of opinion that the profits of the proprietor of the establishment would be very small. But he thought that the noble Lord had on his own showing established a case, which proved to them that they should consider not only the salaries of the highest officers of the State, but also those of the intermediate officers; and if he (Sir B. Hall) were to submit a proposition it would be that they should appoint a Committee which should take into consideration all the salaries above 150*l.*, which was the point at which the income tax commenced. He was confident that if that were done, a most material saving would be made. He believed that it was in the salaries of the subordinate and not of the superior officers that the fault lay. He would vote for the proposition of the hon. Member for Oxfordshire if it were so framed as to comprehend the views which he had just laid before them. He agreed with the hon. Gentleman the Member for Buckinghamshire when he said that it had been the practice with Governments when they appointed Committees to select such men as they thought would be favourable to their wishes. Such had been the case; but in reference to this question, the hon. Gentleman stated that persons out of doors were watching to see what would be the conduct of their representatives on this question, and that it was their anxious desire that the expenditure should be reduced in every possible way consistent with the honour of the country; he therefore thought that if the Minister submitted names of Gentlemen who were not likely to carry out the wishes of the House generally, the hon. Gentleman, who was at the head of a large party in that House, and would be in such a case backed by the feelings of the people out of doors, would be able to prevent any such formation of a Committee, and would insist on a fair and impartial Committee. Entertaining these opinions, he hoped that the hon. Gentleman the Member for Oxfordshire would test the House by bringing forward the Motion of which he had given notice, as to the propriety of an impartial inquiry into all the salaries under the Crown.

Mr. HUME said, that the proposition of the noble Lord at the head of the Government consisted of three parts, each of which it was the duty of the House to consider. In the first place, the noble Lord's proposition sought for a Select Committee to inquire into the salaries and emoluments of offices held during pleasure of the Crown by Members of either House of Parliament voted in the annual estimates. That gave the Committee very much scope for recommending reductions. It continued to say that the Committee should inquire also into the salaries and emoluments of judicial officers in the superior courts of law and equity in the united kingdom, and into the retiring pensions allotted to the Judges. Here, again, they could not do much in the way of reduction; and it was also proposed that they should inquire into the expense of diplomatic establishments charged on the Consolidated Fund. On the whole, the reduction which could be made in these three different departments would not amount to one-tenth of the reduction which was looked for. The noble Lord had made a very strange speech, and showed that no reduction could possibly take place. The noble Lord had pointed out some large reductions which had been already made in one department, and it appeared to him that the noble Lord was now coming forward under rather suspicious circumstances. He called upon the House to remember that on the evening when the right hon. Gentleman the Chancellor of the Exchequer propounded his budget to the House, and stated all that the Government could do, he (Mr. Hume) rose and asked the right hon. Gentleman, whether the House was to understand that such was the whole amount of reduction which the Government were prepared to make. The right hon. Gentleman said that was all; and if he coupled that answer with the proposition which came that night from the noble Lord at the head of the Government, he had no hesitation in saying that he (Mr. Hume) came to the unavoidable conclusion that there was no intention, as far as the Government was concerned, to make any further reduction. He would suppose the Committee appointed and prepared to inquire into the expense of the Custom duties, into the expense of the Excise, the Post Office, and into the salaries of officers in the colonies. That Committee would be obliged to come to the House for instructions. That was his experience, and he did not think that any good would result from the appointment of this Committee. He was one who had unfortunately spent months and years in Committees, and though he often recommended changes of great importance to be made, he never succeeded in getting anything effected. The noble Lord must allow him to tell him, that if the report of the Committee should be in accordance with the wishes of the Government, it would be carried into effect; but if not, it would not be acted upon. If the Government meant to have any material reduction, this was not the way to go about it. What they ought to do was, that a majority of the House should express their dissatisfaction with the present amount of salaries, and call on the Government on their own responsibility to make reductions in them. He would vote for the Amendment, because he thought that it was calculated to prevent any delay in the carrying out of the principle of reductions. He could bring forward many instances to prove the uselessness of the reports of Committees on such a subject. In the year 1819, a Committee recommended that the heavy pension list should be reduced. Nothing, however, was done in consequence. In the year 1833, the report from the Select Committee on the Army and Navy appointments, stated that the Committee desired to call the attention of the Government to the large number of general officers now on the list, and to express their anxious hope that no addition would be made to it except upon very strong grounds of public necessity. It also added that the Committee expressed their anxious hope that no addition to the number of flag officers, any more than to that of general officers in the Army, would in future be made, except upon strong grounds of public necessity. At that period there were 194 flag officers, and 409 general officers. Since that time, however, there were four brevets, making 900 promotions in the Navy, 1,616 in the Army, 303 in the Ordnance, and 63 in the Marines. These promotions made the annual charge of 53,928*l.* in the Army, 30,612*l.* in the Ordnance, 84,994*l.* in the Navy, and 2,591*l.* in the Marines; the gross total amounting to 172,035*l.* This showed that the reports of Committees were perfectly useless in such matters. As materials upon which to found economical measures, these reports were invaluable, although tending to no results themselves. But no thanks were to be given to the Government even for the reports. A Committee sat in 1833, and the strong point insisted on was a reduction in the number of admirals. A reduction was effected to the number of 667 admirals and officers of inferior rank. But many other Committees had sat and reported in favour of retrenchment, but no attention had been paid to their reports. In 1834 a Committee sat to investigate the nature of the lighthouse duties levied on shipping. At that time about 400,000*l.* a year was levied on lighthouse duties, but not a single step in the way of retrenchment was taken, except one which was a recommendation that all private lights should be bought up. A stronger case never came before a Committee. In 1845 another Lighthouse Committee sat, but nothing was done to relieve British shipping from so grievous a burthen. The whole of the light-duties were still left under the management of the Trinity House, instead of being placed, as they ought to be, under the control of the Executive Government. He did not mean to make any charge against the Trinity House, who, considering that they were irresponsible masters and could do what they liked, had acted honestly; but still he thought that they managed matters after rather an extravagant fashion. Beyond gaining information, a Committee could do no good, unless Government went along with them; and, besides, there was not a single fact which you could obtain, except from an official person, subject to, and entirely at the command of, the Government. It was on these grounds he thought that any inquiry into the expense of the diplomatic service ought to be undertaken by the Executive. Plans of reduction had before been brought on by the head of the Government without any previous Committee, and they were at once agreed to by the House. Then, as to the Judges, there was no Committee when their salaries were increased, and there would not be much difficulty in getting the House to consent to a decrease without one. What was there in the present case for a Committee to inquire into? The Government had arrayed the salaries as they thought right, and the Committee could only get information from the official men themselves, who would of course say only what suited the views of the Government. As to the diplomatic department, nobody could know more about it than the noble Lord the Secretary for Foreign Affairs. He knew everything and every one connected with it, he wanted no Committee to enlighten him, and, therefore, there was no man better calculated at once to propose a reduction. If they appointed a Committee, the noble Viscount the Secretrary of State for Foreign Affairs would be the first man summoned, his views would be asked and attended to, and why not then let him at once state his views to the House? He (Mr. Hume) supported this Amendment, free from any consideration of party. He thought that party was the bane of that House: this party was in, and that party was out, and between both the people always suffered. That House should be of no party, but the party of the people. The hon. Baronet the Member for Marylebone had spoken of the new-born zeal, for economy of the hon. Gentlemen on the opposite side of the House. He (Mr. Hume) admitted that it was new-born zeal, and he cordially hailed its birth. He looked to the object of the Motion, and finding that object to be good, he supported it; and he could not see how any friend of economy could vote against it. Any project of reform or retrenchment should have his support, no matter where it came from. He should be glad to know how many of the hon. Friends he saw around him, and who advocated economy generally, would vote against the Amendment. They might consider that in supporting it they would be pressing on the Government. It was pressing on the Government, and they ought to be pressed on. Without the screw was kept constantly on them, there was no chance of reduction. He did not wish to act hastily, but when he saw the way in which salaries had been raised during the last two years, he thought it quite time that some step in the right direction should be taken. The noble Lord had taken credit for the reductions that had been effected during the last two years; but he forgot the advance that had been constantly going on during the previous years. The noble Lord talked of a reduction of two millions and a half, but he forgot that there had been previously a rise of five millions. The noble Lord exclaimed, "See what we have done!" but the fact was that those five millions ought not to have been added.—[Lord J. RUSSELL: They never were added.] The noble Lord said, that they never were added. If so, their finance statement must be all wrong. He (Mr. Hume) would produce the accounts, and if the noble Lord did not understand them, he would explain them to the noble Lord. In short, it appeared to him that that House, in one or two decisions which it had lately come to, had shown a sincere disposition to reduce expenditure. He was glad to see such a disposition evinced, for the call for retrenchment was universal from all parts of the country, and Members of that House, whether whig, tory, or radical, must expect no support out of doors unless they heartily responded to that call. The noble Lord might say that it was not using the Government well to pass this Amendment, seeing that they (the Government) were willing to place the matter in the hands of a Committee fairly chosen. There might appear some foundation for that argument at first glance; but after the instances that he (Mr. Hume) had given, the House would see that there was no use in expecting any good to come from a Committee. It was the duty of the Government themselves to come forward and propose reductions. The right hon. Member for Tamworth on a former occasion declined coming forward until he received his fee; but the noble Lord and his colleagues had received their fee, and should be ready at once to submit their plan of reduction to the House. The House had sufficient confidence in the Government to accept reduction to any amount at their hands. It appeared to him that the House of Commons was now at last actuated by a spirit of economy and retrenchment, and he was pleased beyond measure to think so. He was sure that the state of the country would constantly increase that feeling. They would have the country Gentlemen voting for retrenchment harder than ever they had voted since '22: '22 was a good year. The country Gentlemen then felt the necessity of economy, and supported retrenchment, and the result was a saving to the country of about three millions annually. The work of retrenchment was begun in all sincerity by the Government of the day, and the result was that five volumes were laid upon the table, containing the history of every department in the State. They made a beginning, but it did not last long. Better times came round, corn rose, and the country Gentlemen did not care any longer about the expense. The good time was, however, coming round again, and if this Amendment was carried, the responsibility of reduction would again be thrown on the Government. They had already brought in Bills to increase Judges' salaries—why not now bring in Bills to reduce them? The whole of the Judges' salaries, down to the Master of the Rolls, amounted to about 188,000*l.*—why not propose to reduce them to 100,000*l.*, in rateable proportions? Government could not suffer in any way from such a proposition, whether the House thought they had gone too far or not far enough. He thought it was the duty of Government to make such a proposition. Where there was a will there was a way, and if the will were not there, all the committees in the world would be of little use. On all these grounds he should support the Amendment. They had already all the information that could be procured from a Committee. He looked to results, and he was not to refuse, when a favourable one offered, because it came from one who had hitherto not been very active in promoting public economy.

Mr. HENLEY said, that when he first saw the noble Lord's Motion he was altogether at a loss for a conclusion as to what the noble Lord meant by it, and he must confess that he was not much better informed now than before. Because, though the noble Lord had said a good deal about what the Government had done in other directions, he had not in the slightest degree indicated whether, in his opinion, the matters which he proposed to refer to the Committee ought to be the subject of reduction or not. Upon that point he had left the House entirely in the dark. His (Mr. Henley's) first impression was that the noble Lord meant that the Committee should prepare a new "blue," "red," or "black" book, to contain the names of certain officers of the Government, with their salaries attached. The only fact before the House that would enable them to form an opinion with regard to the views of the noble Lord, was rather calculated to lead hon. Members to suppose that he did not contemplate making any alterations in one branch of the subject which he proposed to refer to the Committee, namely—the salaries of the Judges and the principal judicial functionaries. They had had some indication of the mind of the Government upon that question, furnished them by the Bill which they had recently introduced. In 1831 the late Lord Chief Justice of the Court of Queen's Bench (Lord Denman) received the appointment, which he held with great honour to himself and advantage to the country for so many years. At that time some negotiation or bargain took place between the then Government and that noble and learned Lord with reference to the sum which he was to receive as his salary, because he was not paid the salary which the law had attached to his office. The salary being fixed at 10,000*l.* a year, the Government made a bargain with him, in consequence of which he received but

8,000*l.*; and lately a Bill had been brought in to continue that sum of 8,000*l.* as the salary of all future Chief Justices. This was the only indication they had yet had of the mind of the Government; and if it was to be taken as meaning anything, it meant that all salaries which were fixed in 1831 were to be continued at their present amount. [Lord J. RUSSELL dissented.] The noble Lord shook his head; but he had not given any indication that he meant to propose a reduction at all. Would this be a practical measure of reduction? He doubted it. A large proportion of the salaries which were now proposed to be referred to a Committee, were actually before a Committee two years ago; the Committee to which the Miscellaneous Estimates were referred. He happened to be a member of that Committee, and what was the effect of their report? Why, that seeing they had only a certain number of salaries before them, they did not think it just to deal with the amount of those salaries, and that there ought to be a general measure introduced by the Government with respect to all similar salaries. That might or might not be a just conclusion for the Committee to arrive at; but that was the conclusion to which they did arrive; and when particular salaries were referred to a Committee, how could that Committee judge of them unless they took a general view of every department of the Government? Therefore, he thought that the charitable view of his hon. Friend the Member for Buckinghamshire was far more likely to be attained by casting upon the Government themselves the responsibility and onus of carrying out their measures of reduction. One word with regard to the question which had been put to him by the hon. Baronet opposite the Member for Marylebone. That hon. Gentleman had asked him, why he had not proposed as an Amendment to the Motion of the noble Lord, the various matters which were comprised in his Motion of last year. His answer would be a very simple one. He did not believe that the subjects which the noble Lord proposed to refer to a Committee could be dealt with in any reasonable time. He believed that all the offices held by Members of this House, all the judicial offices, and all the diplomatic offices, would occupy so much time to inquire into, that if he were to add to them the Inland Revenue, the Board of Customs, the Post Office, and the civil departments of the Navy, Army, and Ordnance, the judges of the county courts, their clerks, and the rest of this "army of martyrs," no man would live to see the end of the inquiry. That was his answer to the hon. Gentleman's question. He did not want to make a measure, which he believed to be eminently impractical and useless, absolutely impossible; and he was quite sure that to refer all these subjects, in addition to those the noble Lord proposed, to one Committee, would effectually prevent them ever getting a report of any sort whatever. He quite concurred in the opinion that had been expressed that no matter of this kind could be dealt with except by the Executive Government; that they alone had the power of compelling the information which was necessary. They had at their command individuals who would furnish them with information which no Committee would be able to extract. They knew, or they ought to know, the working of the various departments of the Government; and they alone could know how economy might be best carried out, and the efficiency of the public service at the same time maintained. This House might express its opinion of economy either generally or particularly; and when the proper time arrived, he should be ready to express the views he entertained upon the question. It would be premature to do so now. But he hoped he had given sufficient reasons why he had not attempted to add as a rider to the Motion of the noble Lord so large a subject as that which he had undertaken to bring before the notice of the House, and for giving his support to the Amendment.

LORD H. VANE said, that if he thought no good could result from the Committee, he, as a sincere advocate of that economy which the public voice unequivocally demanded, should vote for the Amendment; but, as his decided opinion was that the Committee would be productive of the best results, he should cordially support his noble Friend's Motion. It was said, that Committees of that House were practically an illusion and a snare; it appeared, however, to him that the economical results of the various Committees which had of late years inquired into the national expenditure, were a practical and most complete refutation of the statement. The hon. Member for Buckinghamshire, speaking as the head of a party, was perhaps quite right in seeking to throw upon the Government the responsibility of the reductions contemplated; but those who simply desired to fulfil their duty as representatives of the people must attend to other considerations. There were many points in the inquiry which it was essential that independent Members of a Committee should carefully weigh. He agreed with his noble Friend that the mere price of the quartern loaf at any particular period was not to be made the basis of official or other salaries; but at the same time there could be no question that the comparative position of the means of subsistence must be a decided element in the consideration. So, in relation to judicial salaries, he conceived that it was by no means an impertinent or indelicate inquiry to ascertain what were the average earnings of men in that class of legal eminence from which Judges were selected. As to the idea of an uniform reduction of all salaries by 10 per cent, or any other amount, that appeared to him to involve a great injustice, for while some salaries were utterly extravagant, utterly disproportioned to the services rendered, others were not a shilling more than the services demanded. This was another point altogether proper for the consideration of an independent Committee. It was said that the noble Viscount the Secretary for Foreign Affairs was a better judge than any Committee could possibly be of the merits of diplomatic salaries; and he readily concurred in the compliment which had been paid to his noble Friend's intimate acquaintance with all the details of his office; but there was this very important consideration to be kept in view—that these diplomatic salaries were matters of patronage in the hands of the Government, and that, therefore, the decision of the Government respecting them might very well be liable to suspicions from which they would be exempt if the arbiters were an independent Committee of the House. As to the delay which it was said the adoption of the Committee would occasion, he thought that with the knowledge on the various subjects already before the House, and with the means of information readily available to the Committee, an approximate result, at all events, might be attained in a very short time. He should give his cordial support to the Motion.

Mr. GRANTLEY BERKELEY said, that notwithstanding it appeared to have been the practice of late for the Government to call for the votes of Members in their favour, under the threat of a dissolution of Parliament, he should nevertheless give his vote according to his conscience and the merits of the question. He was surprised at the speech of his noble Friend who last spoke, because his noble Friend must have seen by what occurred in a recent debate, how much regard the Government paid to the recommendations of a Committee. He alluded of course to the recommendation of the Committee for the suppression of the African slave trade. The noble Lord the Member for South Durham was a Member of that Committee; and as he could not but be aware that the Government had persisted in acting in direct defiance of its expressed recommendation, he could not understand how, with such an example before him, he could have any faith that in proposing a Committee in the present instance they had any intention of acting in accordance with its recommendation, should that recommendation not be in accordance with their own views. For himself, he should give his cordial support to the Amendment of his hon. Friend the Member for Buckinghamshire; and for this reason, that he believed that this attempt of the Government, while professing every desire to economise—to throw off the responsibility from themselves to a Committee of the House of Commons—was nothing more nor less than an endeavour to shelve the subject altogether. He asked, on the part of the people, a fair and honest free trade, or such complete and efficient economy as should relieve this country from the distress it was now suffering. But when he found the noble Lord at the head of the Government dealing with a fair and simple proposal of economy, by an endeavour to throw the responsibility altogether from his own shoulders, he, as a free-trader, could not but doubt the sincerity of his intentions. ["Oh, oh!"] He repeated that he doubted the sincerity of the intention of Ministers to effect any radical reform or retrenchment in the public expenditure, or that they had any desire to apply any sufficient remedy to the distresses of the country. And if, under such circumstances, he were asked which he preferred, an early dissolution, or the maintenance of the present Government in power, he would unhesitatingly select the dissolution. If they (the Ministers) did not think that the result of a dissolution would be adverse to their principles, why did they hold it over the heads of their supporters as a threat? If their intention really were to lighten the burdens and relieve the distresses of the country, why did they not take the onus on themselves, and propose their own measures for remedying that distress which their measures had created, instead of seeking to shift the responsibility on a Committee of the House of Commons? He trusted that every Member would, notwithstanding the threat of a dissolution, stand by his constituents, and not allow the Government, by carrying their Motion for a Committee, to shelve the question to some future time, which they might never see.

Mr. COCKBURN said, he had for some time ceased to expect any consistency from his hon. Friend the Member for West Gloucestershire; but he certainly was not prepared for an inconsistency so glaring as that into which he had just fallen; for he told the House in the same breath that he was a free-trader, and yet ascribed the distress of the country to the measures which the Government had brought forward. ["Hear, hear!"] He could quite understand the cheers of hon. Members opposite; he could quite understand that they did not agree in the doctrines of free trade, and that they should ascribe the distress of the country to the consequences of adopting them, because he knew how strong political passions and prejudices were. He was not objecting to the consistency of hon. Gentlemen opposite, but to the inconsistency of his hon. Friend. But to pass from the speech of his hon. Friend—who never rose but to exhibit his bitter hostility to the Government—he must say that with regard to the question before the House, it appeared to him that the noble Lord at the head of the Government had taken the most straightforward, proper, and constitutional course. The House of Commons was the constitutional tribunal on all questions affecting the taxation and expenditure of the country; and the proposition for a Committee of the House of Commons to investigate and ascertain what reductions might be made in regard to the salaries of particular offices, was founded on constitutional principles. He admitted that if they had all the information before them already, to enable them to arrive at a correct judgment on the subject, he should go with the hon. Member for Buckinghamshire; but he did not agree in the hon. Member's statement that they had. He believed they had considerable information, perhaps sufficient in regard to the amount of the several salaries; but to enable them to decide satisfactorily what those salaries should be for the future, they required to know something more; as, for instance, the nature and extent of the duties performed by each public servant, the expenditure to which in connexion with those duties he was exposed, and other matters which should be taken into account in making any satisfactory and permanent arrangement. And it was most desirable that when they interfered in this question, they should place it once for all on a permanent footing, and avoid the inconvenience of bringing the salaries of the public servants before the public from time to time. In the case of the Judges, they were required by custom to extend a most liberal hospitality, and were liable to numerous other expenses, amounting, probably, together to not less than one-fifth of their total official income. It would be necessary, before the House could determine what the future salaries should be, to ascertain exactly what those expenses were, and also to take into account what were the emoluments at the bar which they surrendered on taking the judicial office. The holders of diplomatic offices were in like manner exposed to a very heavy expenditure in connexion with their official duties, which, in determining the future salaries of those offices, must be considered. But it had been said the Government were themselves the most fitting persons to obtain that information. Now he objected to leaving it to the Government to collect such information. He wanted it done openly, and in the face of Parliament, so that it might be put on record, and that they might be certain the information obtained was trustworthy. The hon. Gentleman the Member for Buckinghamshire said, it would not be delicate to bring a Judge before the Committee, and examine him as to the amount of his expenses, or to call upon a barrister to say what was the amount of his professional gains. But he did not see why they should not ask a Judge to state what was the extent of his duties, what expenses he was put to in the performance of them, or what the amount of his professional gains before he was raised to the judicial office. It had been also said, that this information would take a very long time to collect, and that they had sufficient already to enable them to deal with the question, therefore it would be better to leave the matter in the hands of the Government; and, to his astonishment, he had heard his hon. Friend the Member for Montrose, whose Parliamentary life had been spent in obtaining information on all subjects, and who had put the public offices and the press to more trouble in this way than probably all the other Members of Parliament put together, object to inquiry in this instance. But to him (Mr. Cockburn) it appeared to be putting a Minister of the Crown in a painful and delicate position to call upon him to deal with his own salary, and his own patronage. To ask him to decide in a matter in which he was so deeply interested, was to place him in a most doubtful and painful position. There was also another point of view in which it was important the information should be obtained through the medium of a Committee. When the Minister of the Crown came forward to propose reductions in the salaries of public officers, it was desirable that he should be fortified by the recommendation of a Committee of the House, and for this reason, that it would be placing the Minister in an unfair position to call upon him on his own responsibility to propose reductions in his own salary, or the salaries of other officers of the State; whereas, by giving him the sanction of a Committee of the House of Commons, he would stand free from prejudices, all risk of personalities would be avoided, and he would be enabled to carry out the reductions with an unsparing hand. The noble Lord, in proposing this course, had precedent in his favour, and there could be no doubt that as it was the most reasonable, so also it was the constitutional course. The hon. Member for Buckinghamshire said, that as the House of Commons were the guardians of the public purse, they ought not to be called upon to be the taxmasters, or to regulate salaries and other items of expenditure, that being the business of the Ministers of the Crown. If the object of the noble Lord were to increase the salaries, he (Mr. Cockburn) could understand the force of that argument; but as it was well known the object was to reduce the expenditure, it appeared to him that the noble Lord, in calling upon the House to enter into an investigation with that view, was calling upon it to exercise that which was one of its constitutional functions. Could any one believe that if the objects of the hon. Member for Buckinghamshire were really to reduce the public expenditure, he was furthering it by rejecting the noble Lord's proposition? Surely no one could be deluded into such a supposition. But the hon. Member had, with that candour which always characterised him, avowed that the question did partake in some measure of party objects. There could, therefore, be no misunderstanding of the intention with which the Amendment had been proposed. When they found the noble Lord proposing a measure which had for its object the reduction of the public expenditure, and conscious of the difficulties by which he was beset, making such a concession to public opinion, he thought the House would be wanting in that respect which was due to the noble Lord and the Ministry, if they were to allow them to be overtramped by the Amendment of the hon. Member for Buckinghamshire; and, believing the proposition of the noble Lord to be just and constitutional, he should give it his cordial support.

Mr. HERRIES begged to offer a few observations before the House divided. He would begin by stating that it was his intention to vote for the Amendment of his hon. Friend the Member for Buckinghamshire. The real question at issue was, which of the two modes that had been proposed was the most effectual for securing a reduction of the public expenditure. He admitted that the intention of Ministers might be to effect a reduction in those heads to which their Motion applied; but the Amendment went beyond the limits of the Ministerial proposition. Not only did it include the same class of heads, though in a different mode, but it insisted on a wider range of reduction. The question was not whether, generally speaking, a Committee was the best mode of inquiry in anticipation of a reduction of salaries; but whether, in the present circumstances of the country as they now stood, it was desirable to proceed in this fashion; or whether the Government should themselves propose to the House that reduction of expenditure which it must be presumed they had in view when they made this Motion at all. It must be assumed that they intended to effect certain reductions, of which they had already conceived the character, description, and extent in their own minds. If, then, they had inquired into the nature of existing establishments, and made up their minds to what extent they would propose to Parliament, through a Committee, to carry their reductions, they, as the House of Commons, had a right to ask them fairly and candidly to open their minds upon the subject of the extent to which they proposed to go. He must say the noble Lord at the head of the Government had acted with extreme caution in this respect; he had not betrayed in any part of his speech any distinct intention of making any reduction whatever, still less had he given any notion of the extent contemplated. In the present posture of public affairs the noble Lord had not dealt fairly by the House. The noble Lord, in his speech, considered the two modes by which the public expenditure could be reduced. He went back as far as the year 1831, and had given a very true account of the great reductions made by measures adopted by the Government itself; and he thought anybody must be convinced that the great preponderance of reduction had been so effected, and this gave good ground for asking that on this as on former occasions, the Government should be the exponent of its own views and intentions. The noble Lord had somewhat shaken the confidence he had felt in his disposition to effect reduction seriously and efficiently, in proposing this method of proceeding by a Committee. They knew what had been the working of Committees appointed by the Government in the course of the last two or three years, to consider and report on various subjects. He believed it was the opinion of the public that Committees had been so composed and constructed, as rather to be the organs of Ministerial intentions, than of the views of private and independent Members. It could not be denied that if they went into Committee on this subject, they were more likely to come out of it as they did from the Committee on Commercial Distress, than in any manner more satisfactory to the House or the country. Not only might Government have greater interest in the Committee than the public good required; but after they had announced their intention to make changes in the public establishments, there would be a disposition in the public to believe that they had not obtained all the fruits which they had a right to expect from the inquiry. In such cases, the House always deemed itself bound by the report of the Committee; it considered itself not at liberty to judge as if the proposition came directly from the Government, and was hampered by the responsibility of the Members composing the Committee, as well as by a thousand other influences, against making any change in the course proposed by them. He, therefore, thought that, in this case, a proposition coming from the Government, and stating freely to the House what they intended to do, would be received with much more confidence, and judged with far greater impartiality, by the House itself than the report of a Committee managed by the Government. He could not for a moment doubt that Ministers were in possession of all the means of information as to the condition of the departments which would be affected by their reductions. The hon. and learned Gentleman who last addressed the House could not mean to contend that Government was not perfectly well acquainted with the duties performed by public officers, and the expenses incurred by them; in the case, for example, of the diplomatic establishments, it would not be supposed that a Committee would derive from any party whatsoever information at all equal to that possessed by the head of the department. If the hon. and learned Gentleman admitted, as he (Mr. Herries) maintained, that the House already possessed all that information with respect to the present amount of salaries, which was one element of judgment; and that on the other hand Government possessed, or had access to all the information relative to other branches of the subject, he maintained that a proposition coming from them could not fail to be more effective in carrying out a judicious and not extravagant reduction than any other mode of proceeding which could be adopted. Suppose the noble Lord were to appoint his Committee in perfect disregard of possessing a majority, the effect might be that reductions would be proposed, such as the more sober and prudent portion of the House would not readily accede to. He had so much confidence in the judgment and fair intentions of those who occupied the Treasury benches, as to believe that they would be careful, in making their reductions, to preserve unimpaired the efficiency of the public service; he preferred, therefore, having a proposition coming from them, subject, of course, to the ratification of the House, than trusting to the recommendations of the Committee. But, besides, the length of time which must elapse before the inquiry was concluded, must form part of the ground on which they came to a decision of the present question. The House should know distinctly both the extent of the proposed reductions, and the mode in which they were to be carried out; and if, after that, doubt existed, then would be the time to call for the appointment of a Committee. He must contend that the Amendment of his hon. Friend the Member for Buckinghamshire was strictly constitutional; it was in accordance with the constitution that Government should be made responsible for the management of the public affairs which were entrusted to them. It was for the House to determine whether, in the present condition of this country, and in the face of the public difficulties of which we felt the pressure, they would adopt the more simple, plain, and, above all, extensive proposition for giving relief by retrenchment, pointed out by his hon. Friend, or would follow the narrower, and, he was sorry to say, the darker path proposed by Her Majesty's Government. They might rest assured that if they went into this Committee they would give no satisfaction to the country. Instead of going straightforward to their object in a case where ample means of information were at its command, the Government sought to skulk under the shelter of a Committee, in order to evade the responsibility which the constitution devolved upon their own heads. He had no hesitation in declaring his conviction that the country would believe that delay was intended by this proposition. There was an unwillingness to place the subject in its just proportions before the public; but dangers were to be staved off and difficulties evaded by help of the cloak which the Committee would throw over the whole transaction. If the noble Lord, in whom his hon. Friend he might almost say had proposed a vote of confidence, by his Amendment, would not accept the trust—if he would not undertake the task which by this proposition he was invited to undertake, in the plain and constitutional method, there would exist in the public breast a belief that Ministers were neither so zealous nor so honest in their supposed designs of reduction, as by this Motion they desired to make themselves appear.

MR. BRIGHT said, that if any hon. Member on his side of the House felt disposed to vote with the hon. Gentleman the Member for Buckinghamshire, he thought he could explain the ground upon which he would do so. He believed that he would be influenced in coming to such a conclusion by the prevalent opinion that there was something exceedingly unreal in the actions of Committees of that House, and by the conviction that Committees were to a great extent shams. The same feeling led him to receive the proposition of the hon. Gentleman the Member for Buckinghamshire with some degree of favour when he first read it; but on examining it he found in it nothing more real than anything that could come from the appointment of a Committee, according to their experience of the action of Committees. The hon. Gentleman's proposition did not pledge the House to any reduction of expenditure, nor declare that the expenditure on account of salaries was too great. If the hon. Gentleman had made a substantial proposition—if he had pledged the House to the direct opinion that the present expenditure was an excessive one, and that it was the duty of the Government and the House to reduce it, nothing should have induced him (Mr. Bright) to give his vote for the appointment of a Committee, in opposition to such a substantial proposition. But the hon. Member for Buckinghamshire, in the course of his speech, gave no expectation of a departure from the policy he had hitherto followed upon these questions. He had never met that hon. Gentleman in what almost always happened to be the minority, when the proposition submitted to the House was one in favour of economy. And now he endeavoured to excuse himself for his apparent inconsistency by comparing his course with that pursued by the hon. Member for the West Riding on Motions for a large or small reduction in the national expenditure. The hon. Gentleman said that the propositions of the hon. Member for the West Riding were neither philosophical nor practical. He (Mr. Bright) thought they were both. Of their practical nature they had proof that very night in the circumstance that both sides of the House were vieing with each other to carry out portions of those recommendations which had proceeded from his hon. Friend the Member for the West Riding. His hon. Friend had shown that the greater part of our expenditure had been created upon certain pretences, and that when the dangers apprehended to the public safety had passed—dangers arising from a variety of causes, such as the Oregon dispute, the fear of invasion by Russia or France, or the great Pritchard case, of which the Parisians had heard much more than we in London—his hon. Friend had shown them, when the alarm raised by these causes passed away, the increase of expenditure had never been abolished by the Government. The other night, when a question involving 3,000,000*l.* or 4,000,000*l.* was under discussion, there were only three Members during the entire discussion, sitting on the opposition side of the House. The right hon. Gentleman who spoke last (Mr. Herries) had himself been a Member of a Committee on the Miscellaneous Estimates; but he had not signalised his new economic career by voting with the minorities on that Committee who were in favour of various reductions. If he (Mr. Bright) were to trace the right hon. Gentleman's career from the day he entered the House of Commons, to his last remarkable speech delivered that night, he doubted if he would find him on one single occasion giving his vote and influence in favour of a diminution of the public expenditure. The proposition before them was this, shall the Government at once make such reductions as they may think proper, or shall a Committee investigate the question, and then recommend to the House what shall be done. He was of opinion that if the Committee could be fair and impartial, a Committee would be the better course on many grounds. All the Gentlemen on the Treasury benches were directly and personally interested in maintaining their salaries at their present amount. He did not mean to say or insinuate that one of them, any more than himself, if he were one of them, would desire to keep his salary at 5,000*l.*, if it ought to be only 4,000*l.* But there was that tendency in the human mind to regard these things with a partial eye, which made him prefer that the question should be left to a Committee, than to the recipients of those salaries themselves. Besides that, the Government were beset with influences out of doors which it was almost impossible wholly to resist. He believed that the task would be performed by them with greater inequality and unfairness, however honestly they might desire and determine to perform it. Another strong reason in favour of a Committee was, that all those parties whose salaries would be hereafter diminished, and that was now the certain result of either course, would receive those reductions less unpleasantly if made after an investigation by a Committee of the House, and upon the report of that Committee, than they could possibly do if made by the single act of the Prime Minister or other Members of the Government presiding over their respective departments. If the proposition of the hon. Member for Buckinghamshire were carried, the result would not be that expeditious reduction he was so anxious for. The simple result would be that the Government would be defeated. He (Mr. Bright) was not so very careful upon that point as to allow it to influence him one way or the other. Indeed, the Government were themselves now pretty well accustomed to defeat, and were becoming more and more so. It was because he believed that after this discussion, and in the present temper of the public mind, they might have a chance of getting a better Committee than the average of Committees appointed by the House, and one more than usually disposed to make a searching investigation into these salaries. He believed that whatever recommendations the Committee might make, the House would be more likely to carry out, than he had observed in other cases. The real question they had to consider was this—was the House in favour of economy? If it were, there could be no difficulty in appointing a Committee which should go honestly into the question, and make such recommendations as would be well received by the House and the country. If the noble Lord were to appoint such a Committee as he (Mr. Bright) had seen appointed on other occasions by the present and preceding Governments, he would not be treating the House fairly, while he would plainly show that his object was to delay and shirk the investigation of the question. But if he appointed a Committee in which the Government influence should not predominate, upon which present or past officials should not form the majority, and upon which no salaried or pensioned Members of the House should sit, then the noble Lord's proposition was better than that of the hon. Gentleman the Member for Buckinghamshire. Hoping the noble Lord would use his paramount influence to procure such a Committee, and calling upon him to appoint it, he should vote in favour of the original Motion.

Mr. DRUMMOND: Sir, if the proposition of the noble Lord at the head of the Government had borne the smallest resemblance to the picture given of it by the hon. Gentleman who has just sat down—if it had contained only one point of similitude—if there had been the smallest indication of the remotest intention on the part of Her Majesty's Government to do any one thing but inquire, most unquestionably I should vote with the hon. Gentleman for the noble Lord's Motion. But, Sir, the noble Lord asks the House of Commons to inquire. To inquire of what? Why, the House can only inquire of him, who possesses twenty times more information on the subject than any one else. This is the substantial Motion of the noble Lord. This is the true pledge of the economical intention of the Government, which all professing to be financial reformers are called upon to vote for to-night. The plan is not a Committee to reduce one fraction of the public expenditure. It is not a Committee to do one single thing, but to make an inquiry. Are we to take the noble Lord's intentions from his own words, or from the explanation of some volunteer supporter whom he chanced to find on those (the free-trade) benches? But, Sir, it is notorious that this Motion never would have been made, but for the Motion of my hon. Friend the Member for Oxfordshire, and the whole meaning of this Motion is to trip up that hon. Gentleman's heels. And I must say, that I think we are somewhat indebted to the noble Lord for shortening the future labours of the Session; for after this Motion shall have been carried to-night, it will be utterly useless to entertain any other question of financial reform during the present Session. Sir, there has been some allusion made to a little book, published recently in France, entitled *Jerome Paturot in Search of a Social Position,* the hero of which is, if I remember rightly, a cotton nightcap manufacturer. Now, Sir, if that gentleman were also to come in search of a social position in this country, there is not one which he could turn to so good an account as becoming a financial reformer; for your financial reformer begins by getting into Parliament, and when there he assails the noble Lord and every one else he can—always jobbing to his own profit; and he always votes for all sorts of impossible Motions. And then, when he goes back to his constituents, he says to them, "Ah! wasn't I one of the three that went into the lobby upon such a Motion? Wasn't I one of the small minority that never effected anything, and never meant to effect anything? Wasn't I one of those that always fought for the most flimsy and trumpery Motions, and that always stood by the Government whenever there was any—the slightest—chance of their being defeated?" Now, Sir, I am very sorry for the scene that has occurred to-night. I was in hopes, after all we had passed through, that we had grown wiser. I was in hopes that when we made a Motion for economy on this side of the House, we were not to be doubted by some of those lynxes who affect to see through planks and millstones, and who say "there is no real intention of effecting reform by this Motion." Why, Sir, that is always what they say to any Motion emanating from this side of the House; whilst to anything coming from the other, the cry is, "Oh, there is danger to our establishments in this proposition." And so, by playing one party against the other, the Government go on pretty much as they please. Sir, I am sorry to see that that is the game they are playing here to-night. But I find there is another dodge which they occasionally try. It is to say, "Oh, if we are to be left in a minority, we will go out of office;" or else, "Oh, this is only a masked battery—its only intention is to supplant the Government." Now, Sir, I say, once for all, let a plain straightforward Motion be made upon this subject, and I will give my most cordial support to the noble Lord against all competitors. I believe there could not be anything more detrimental to the interests of the country than that it should lose his services upon the Treasury benches, and I will never give my support to any Motion having that end in view. But I never will be bullied by any Minister who turns sulky, and who threatens to throw the country into confusion by running away from his post—I will let the responsibility rest upon him: but that from this Motion nothing will follow, you all know perfectly well.

The CHANCELLOR of the EXCHEQUER had listened with very great attention to all the arguments used, and the suggestions made by every hon. Gentleman who had spoken, and he really had never witnessed an occasion upon which there seemed to be a greater dearth of arguments, or difficulty of finding them, in opposition to the Motion of his noble Friend at the head of the Government. The hon. Member for Buckinghamshire was really at a loss, in making his speech, for arguments against the proposition of the noble Lord. The Motion of his noble Friend had been characterised as one that was proposed for purposes of delay, and it had been said that no conclusion could be arrived at by the Committee during the present Session. The hon. Member for Montrose found fault with the Motion because it did not go far enough, complaining that it was confined to three or four subjects, and that they ought to have instituted an inquiry into fifty other departments of expenditure. He (the Chancellor of the Exchequer) entirely agreed, however, with the hon. Member for Oxfordshire, that if the Government were to concur in the suggestions of the hon. Member for Montrose and the hon. Member for Marylebone, they might be justly charged with endeavouring to avoid a practical conclusion. The inquiry now proposed by his noble Friend could not occupy any long time, and ought to be terminated long before the close of the Session. The hon. Member for Montrose then said that a Committee never did the slightest good—that the recommendations of a Committee were never carried into effect. Why, he must have forgotten the Committee which sat upon this very subject in 1831—a Committee for which Lord Althorp moved, to inquire into the subject of official salaries—and which reported upon all the principal salaries; every recommendation of which was carried into effect. Take the Committee on the Navy expenditure which had been referred to; that suggestions of this Committee which had not been carried into effect—as to the number of admirals—had been alluded to; but nine out of ten of its recommendations had been adopted. Let the hon. Member only recollect the cases of those Committees on which he had himself sat. The Import Duties Committee—did not its inquiry lay the foundation of measures since carried? Then the hon. Member for Buckinghamshire said that the course proposed by the Government was unworthy of them; that their opinion ought to have been first expressed to the House; that the House should have had the embodied opinion of the Government developed in papers on the table. But had the hon. Member looked into the practice of the House? The Committee for which Lord Althorp moved, for instance, was not moved for upon estimates on the table. There were other cases of the same kind—the Committee to inquire into the administration of the law, with a view to ascertain the proper number of Judges; another with regard to the salaries of the Judges; another with regard to the emoluments of the Judges of the Prerogative Court. The hon. Gentleman should refer to the case the noble Lord had himself mentioned—the 27th report of the Committee in 1798. The hon. Gentleman said, the Government ought to take upon themselves the responsibility of dealing with the public establishments. They had never shrunk from that responsibility; and the noble Lord at the head of the Government had reminded the House that they had dealt very largely with the public establishments with a view to the reduction of the expenditure. The principle upon which they had proceeded had not indeed been that of a general reduction of salaries—it would be the worst policy to underpay the public servants—but rather that of reducing the number of persons employed. Nothing could be more unjust or unwise than the general reduction of salaries proposed by the hon. Member for Oxfordshire, without regard to the circumstances of each case, the merits of the individual, or the amount of work he might be called upon to perform. The hon. Member would make the public servants—to borrow the hon. Gentleman's own expression—a whole army of martyrs. The first branch of the inquiry was therefore not proposed to be extended to those with respect to whom the Government fully admitted that the responsibility rested with itself and as to whom it was conducting an investigation by officers of its own, inquiring into their duties and their salaries, and the proportion borne by the work to the remuneration. With regard to the salaries of Members of the Government, he (the Chancellor of the Exchequer) did not differ very much from those who said that Ministers of the Crown ought not to be altogether led by feelings of delicacy to abstain from expressing an opinion; but no one could say that they were as impartial judges on the question of their own salaries as of the salaries of others; and surely it would be infinitely better and far more satisfactory to the country that an opinion upon the amount of these should emanate from an impartially constituted Committee. Then, with regard to the next branch of the inquiry, namely, judicial officers—it was desirable that those who filled these places should not be in the slightest degree dependent, with regard to their emoluments, upon the Executive; and it would again be far better that these should be inquired into by a Committee than that the discretion merely of the Government should be exercised as to their amount. It had been said that these functionaries could not be summoned before a Committee to give evidence. Why, the Lord Chancellor appeared before Lord Althorp's Committee in 1831. As the hon. and learned Member for Southampton had said, there could be no obstacle on the ground of delicacy in getting a statement with regard to legal emoluments. A strange objection was made to the proposed inquiry into the diplomatic establishments. It was a mistake to say that the salaries could not be altered without an Act of Parliament. The whole sum applicable to the service was fixed by statute, but not the salary of each person. The hon. Member for Buckinghamshire supposed that the reference of the diplomatic establishments to a Committee was devised to prejudice his bringing on his Motion upon that department; and at the same time said, that want of information on the subject was one of the difficulties which he had to encounter. Would it suit him better, in bringing forward such a Motion, to be without the information which the investigation of the Committee would supply? The hon. Member for West Surrey had stated that not a word was said about reduction; he could not have attended to what fell from the noble Lord. [Mr. Drummond: I said there was nothing about it in the Motion.] The noble Lord stated that, abstaining (which the hon. Gentleman might, perhaps attribute to a false delicacy) from giving any opinion upon the subject of official salaries, and wishing to leave it to the Committee, he was of opinion that reductions might be made in the other departments—the diplomatic and judicial. One hon. Gentleman thought it exceedingly wrong that the noble Lord did not state the amount of reductions he was of opinion might be made; why, if he had, it would have been said that it was useless to move for a Committee when the Government had made up their minds, and openly stated the extent of reduction they intended to agree to. It would have been unfair to a Committee of Inquiry, and inconsistent with the object of its appointment, for the Government to say beforehand what they considered the result of the inquiry ought to be. The hon. Member for Buckinghamshire, in part of his speech, used language that might well surprise one. He spoke of the House of Commons as the guardian of the public purse, but of the Government as the obnoxious instrument of fiscal extortion. Gentlemen opposite might take the admonition which they had themselves given, and consider not merely their present position, but that which they might possibly occupy. The expressions in which the Government of the country had thus been characterised were surely not wisely used. The right hon. Member for Stamford had stated that the House was only asked to choose between two modes of effecting the same object, and that the Amendment would lead to the more extensive and speedy reduction of the expenditure and relief to the country. But surely the Amendment was one of those vague resolutions which did not necessarily lead to any reduction or any practical conclusion. The original Motion was for a definite inquiry, which was much more likely to lead to a practical result. The Amendment, indeed, had been put by Gentlemen opposite upon the ground of its being a complimentary expression of confidence in the Government as prepared and disposed to carry out reduction; but if Gentlemen thought the matter should be left in the hands of the Government, why had the hon. Member for Buckinghamshire given notice of a Motion with a view to a reduction in the diplomatic and consular expenditure, and the hon. Member for Oxfordshire of a Motion for a general revision of all salaries with a view to reductions? Those notices did not indicate the confidence which was now professed. As already stated, the noble Lord had declared that in two branches of the inquiry he looked for reduction of the expenditure; he abstained from pronouncing any opinion as to one branch, because he thought it more decent and proper that he should not do so at this stage; but one Member of the Government at least would be on the Committee, and would state the opinion of the Government unhesitatingly in Committee on the proper occasion. Hon. Gentlemen who talked of the relief from taxation to be effected by reduction in the salaries of the great officers, or even of the establishments, must remember that it was impossible so to deal with parties who had held their situations for a length of time as to give any such great relief at once, whatever reduction there might be in the course of years. The noble Lord had stated the reductions made in the last year or two; these were going on from day to day. He (the Chancellor of the Exchequer) did not think any great reduction could be effected in the higher offices which the Committee would have to consider; but whether there was or not, the Government thought it better to obtain the opinion of a tribunal which might take a more impartial view than perhaps any persons would take with regard to their own salaries.

Lord J. MANNERS said, the speech of the right hon. Gentleman the Chancellor of the Exchequer reminded him that the question that had been asked had not been answered. The right hon. Gentleman seemed to apprehend that some little suspicion existed that the Motion of the noble Lord at the head of the Government was caused by that of the hon. Gentleman the Member for Oxfordshire. He (Lord J. Manners) would ask the right hon. Gentleman why it was that at the commencement of the Session Her Majesty's Government did not bring forward the Motion which they had propounded to-night. Considering the tone of the speeches he had heard to-night—considering the position of the various speakers—he was surprised when the right hon. Gentleman commenced his speech by saying he had listened in vain for any arguments against the Motion of the noble Lord. He (Lord J. Manners) did not intend to reciprocate such a compliment with his right hon. Friend; but he hoped he might refer to some of the arguments they had heard from the preceding speakers, who adopted the view of the right hon. Gentleman. The hon. and learned Gentleman the Member for Southampton based his argument on the great indelicacy and impropriety of calling on individual Members of the Government to come forward and state what was a fair remuneration for the services they performed to the Government. He (Lord J. Manners) did not intend to enter the arena with so skilful an advocate as the hon. and learned Gentleman, who was so anxious to spare the feelings of Her Majesty's Government; but he would ask, what did the hon. and learned Gentleman propose to do? He said, by submitting this question to a Committee, they would get at the evidence they required. Of course they would summon the individual Members of the Government; they would then submit the evidence they had received, and the report they grounded on that evidence, to the decision of the House of Commons, and by that means they would have in the most unobjectionable shape the opinions of Her Majesty's Ministers. But what followed? Suppose the Committee was constituted as the hon. Gentleman the Member for Manchester said it would be constituted, it was not at all unlikely—nay, it was almost certain—that some of those Gentlemen's salaries would be reduced before the Committee was constituted, with the responsibility of appointing which the noble Lord at the head of the Government would be charged. What then would become of the delicacy of the hon. and learned Gentleman the Member for Southampton? The noble Lord might have to come before the House of Commons, and say that the Committee which he himself had appointed had fixed too low a salary for the services his successor would have to perform. The hon. Gentleman the Member for Manchester said, if he thought the proposed Committee was to be constituted as every other Committee had been constituted since he came to Parliament; if he thought it was to be composed of right hon. Gentlemen, noble Lords, and officers in the Army and Navy—then indeed the hon. Gentleman would not consent to vote for it. What pledge had the hon. Gentleman received from the noble Lord, that this Committee would not be constituted as all other Committees which he had so much denounced, were constituted? He (Lord J. Manners) would tell the hon. Gentleman the Member for Manchester, that even then it was not too late for him to ámend his vote. Did the hon. Gentleman hear, in the course of the speech of the right hon. Gentleman the Chancellor of the Exchequer, the least symptom of yielding to the formation of such a Committee as the hon. Gentleman wished? Not one word; and no one could doubt that this Committee would be constituted according to the old revived form, and that, in due course of time, there would be a report presented to the House, containing various recommendations, some of which, if they happened to square with the views of Her Majesty's Government, would be adopted, and others of them which did not so square would be shelved. Not only that; but they had heard the hon. Member for Marylebone, in the earlier part of the evening, characterise his hon. Friend's Amendment as a deliberate party movement. If the House was to go on attacking every Motion which was brought on by any Member of the House of Commons as a party Motion, they would never arrive at that end which they were all anxious to attain. He thought the advice given the House by the hon. Gentleman the Member for Montrose, was advice which younger financial reformers in that House would do well to take into their serious consideration, and act on now and hereafter; but he (Lord J. Manners) thought he should not see that advice carried into effect. The House would decide between those two propositions—one which placed really and without delay before the House the means of effecting those retrenchments and that revision which, in the opinion of Her Majesty's Government and in the opinion of that House, the public service would have to undergo; the other was one which in his conscience he believed would have the effect of throwing this great question over this Session, and perhaps over another—a proposition to which he saw no end. He could not help thinking that the distress which prevailed in the country demanded national economy; and he called on hon. Members, whatever might be their feelings on other questions, to support the Amendment of his hon. Friend the Member for Buckinghamshire.

Lord J. RUSSELL: Sir, the objections which have been made to the Motion proposed to the House certainly will not require very much answer from me, because they have been met, and most of them disposed of, by the opponents of the Motion themselves. The hon. Baronet the Member for Marylebone, who spoke immediately after the Amendment of the hon. Member for Buckinghamshire, and some others, said it was not a sufficient inquiry, because it did not go beyond the three particular classes into which the inquiry was to be confined. To that the hon. Member for Oxfordshire answered, and I think very conclusively, that if all offices were to be included, the inquiry would last so long that we should not obtain any practical result from the Committee. These are the grounds which I think will be sufficient for the appointment of the Committee. Therefore, the hon. Member for Oxfordshire has disposed of one objection. Then the hon. Member for Montrose, somewhat to my surprise, objected to a Committee for the first time that I remember during a long period of years, and said that it would do no good; but in the course of his speech he admitted he had urged on the Government the appointment of a Committee on the Army, Navy, and Ordnance, and that the Committees had sat for some time with considerable advantage to the public. But then the hon. Gentleman goes on and says the effect is, if you have a Committee a great many facts will become known which otherwise we should not have before us, and thus the hon. Gentleman has answered his own objection. I cannot accuse him of wishing to conceal the truth, but we know there are many delusive ideas on the public mind on this subject, and the hon. Gentleman seemed to entertain some alarm as to certain facts becoming known to them. But we find the hon. Member always inquiring—we find him always moving for returns, and probably the expense of this information and of these returns would be equal to the salaries of two or three Lords of the Treasury. Well, these returns have been exceedingly useful, and have thrown a great deal of light and information on many questions, and for my part I think them well worth the cost. But, if that is the case, I am the more surprised that now, for the first time, the hon. Member could say the House of Commons should not inquire into those facts by a Select Committee. But we have all heard, "Evil communications corrupt good manners," and the hon. Member for Buckinghamshire told us to-night in the course of his speech, that some three weeks ago he had held a communication with the hon. Member for Montrose, and certainly the hon. Member for Montrose does seem to have deserted the opinions to which he has so long adhered. The hon. Member for West Surrey observed, nothing had been said on this subject of reduction by Government. I certainly said it would be useless to appoint any such Committee unless we believed reduction and economy will be the consequence. I declined to give any opinion as to the salaries received by official persons being Members of Parliament, but I stated that I proposed some reductions, and that I saw the force of the objection that if we proposed the reduction of one official office, it would be well to revise our establishments altogether. Let me show the practical effect of the proposed inquiry. We are told we are in possession of all the information that can be had as far as our own salaries are concerned. That is no doubt the case with respect to our own offices; but when I proposed a reduction in the salary of the Chief Justice of the Common Pleas, I was told it was very insufficient. At that time hon. Gentlemen opposite seemed to think a Select Committee a very desirable thing. For a whole night I was badgered for not consenting to it. I was told the receipts of barristers were nothing like what they were twenty years ago, and that therefore a great reduction should take place in the Judges' salaries. Well, then, it is right we should know something of the facts, because it had been always stated, and stated truly, that if you wish to have good and efficient Judges—men who will command the respect of the public and insure confidence for the administration of the laws—you had better not place them at a salary much below that which persons at the bar might expect to receive for their exertions. If that is to be the test, it becomes of importance to know what are the usual receipts of men in considerable practice; and that is a fact on which Government, as well as Members of the House, might form an opinion. It appears to me the proposition I put is a fair practical proposition for an inquiry by a Select Committee. It is supported by precedent from 1798, when Mr. Pitt thought it necessary to refer the question of official salaries to a Select Committee; and I have not heard any sufficient objection to the proposal, or to this particular mode of proceeding. I certainly must thank the right hon. Member for Stamford, and the hon. Member for Buckinghamshire, for proposing a vote of confidence in the Government. It would be a very strong Government that could repudiate such a mark of approbation from their political opponents; but I think it will be the better course, and more for the public service, to appoint the Select Committee of Inquiry.

Question put, " That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 250; Noes 159: Majority 91.

List of the AYES.

Abdy, Sir T. N.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Beckett, W.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Busfeild, W.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Clive, hon. R. H.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Cubitt, W.
Dalrymple. Capt.
D'Eyncourt, rt. hon. C.
Divett, E.
Douglas, Sir C. E.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
East, Sir J. B.
Ebrington, Visct.
Egerton, W. T.
Ellis, J.
Elliot, hon. J. E.
Enfield, Visct.
Euston, Earl of
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Fergus, J.
Fitzpatrick, rt. hon. J.
Fitzroy, hon. H.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fox, R. M.
Fox, W. J.
Freestun, Col.
French, F.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heneage, E.
Henry, A.
Hervey, Lord A.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hollond, R.
Horsman, E.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, P. H.
Humphery, Ald.
Hutt, W.
Jervis, Sir J.
Johnstone, Sir J.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lockhart, A. E.
Loveden, P.
Lushington, C.
Lygon, hon. Gen.
Mackie, J.
Mackinnon, W. A.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Meagher, T.
Mahon, The O'Gorman
Mangles, R. D.
Marshall, J. G.
Martin, J.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, J.
Maule, rt. hon. F.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Monsell, W.
Morgan, H. K. G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
O'Connell, M.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pearson, C.
Peel, rt. hon. Sir R.
Peel, F.
Pennant, hon. Col.
Perfect, R.
Peto, S. M.
Pilkington, J.
Pinney, W.
Power, Dr.
Power, N.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Reid, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, J. A.

Smith, M. T.
Smith, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Traill, G.
Trelawny, J. S.
Tufnell, H.
Tynte, Col. C. J. K.
Vane, Lord H.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Wegg-Prosser, F. R.
Wellesley, Lord C.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.
Wyvill, M.

TELLERS.

Hill, Lord M.
Howard, Lord E.

List of the Noes.

Alexander, N.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Baillie, H. J.
Baldwin, C. B.
Bankes, G.
Baring, T.
Barrington, Visct.
Bateson, T.
Bentinck, Lord H.
Berkeley, hon. G. F.
Best, J.
Blackstone, W. S.
Boldero, H. G.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Briscoe, M.
Broadley, H.
Brooke, Lord
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Cabbell, B. B.
Carew, W. H. P.
Chandos, Marq. of
Chatterton, Col.
Christopher, R. A.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Damer, hon. Col.
Deedes, W.
Devereux, J. T.
Dick, Q.
Disraeli, B.
Dod, J.
Drumlanrig, Visct.
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Du Pre, C. G.
Egerton, Sir P.
Emlyn, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Granby, Marq. of
Greenall, G.
Greene, J.
Guernsey, Lord
Gwyn, H.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Harris, hon. Capt.
Henley, J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hornby, J.
Hotham, Lord
Hume, J.
Jones, Capt.
Keating, R.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Law, hon. C. E.
Lawless, hon. C.
Legh, G. C.
Lennox, Lord A. G.
Lewisham, Visct.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, H.
Macnaghten, Sir E.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Moody, C. A.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Naas, Lord
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Newry and Morne, Visct.
Nugent, Lord
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Pigott, Sir R.
Plowden, W. H. C.
Plumptre, J. P.
Prime, R.
Repton, G. W. J.
Richards, R.
Rufford, F.
Rushout, Capt.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Smythe, hon. G.
Somerset, Capt.
Somerton, Visct.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Stephenson, R.
Stuart, H.
Stuart, J.
Taylor, T. E.
Thesiger, Sir F.
Tollemache, J.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Willoughby, Sir H.
Wodehouse, E.

TELLERS.

Beresford, Maj.
Vyse, R. H.

Original Question again proposed.

Mr. HORSMAN: Now that the House had determined on this inquiry into official incomes, he thought he should have little difficulty in convincing it of the propriety of including ecclesiastical incomes; and he would do so very shortly, by showing that it was a legitimate inquiry, and within its province; and, secondly, that, possessing the power, it was a fitting occasion for its exercise.

Now as to the first point—with the precedent of 1836 fresh in our recollection, the right of Parliament cannot be contested—the present incomes of ecclesiastical dignitaries were revised and fixed by the Legislature in 1836, and the revision for which we were competent then we are competent now. Such being the fact, we have only to ascertain whether, in the case of ecclesiastical dignitaries there is the same ground for an inquiry—the same appearance of disproportion between payments and duties which has given rise to this commission on official salaries.

To ascertain this we must compare the duties and incomes of ecclesiastics with those of other functionaries, and let him first take the most analogous case of Judges.

A Judge is invariably taken from among the most eminent men in his profession—he is in the full vigour of life—placed in an office of great labour and responsibility—

always under the public eye—and when he ceases to be efficient he ceases to be a Judge—and, above all, he gives up large professional emoluments; and they must adjust his salary, not by the amount at which they can get the work done, but by that which will enable them to go into the market and secure the best legal talent.

A Bishop, on the other hand, begins by making no pecuniary sacrifice—he need not necessarily have been eminent before—sometimes he has not been so—he is advanced to an office which he holds for life—his faculties may desert him, but he retains his income. Many bishops are old men, seeking repose and not labour—they do not work under the public eye—their labours are voluntary and self-imposed, and they have large patronage out of which to make provision for their families. And this is the difference in their remuneration. A Chief Justice has 8,000*l.* a year, an Archbishop of Canterbury 15,000*l.* The one holds it while laborious and efficient—the other for life; the one has to find himself a house—the other has two palaces provided; the one has to lay by for his children—the other dispenses patronage of benefices, of which the total value was not less than 70,000*l.* a year—yet much dissatisfaction had been expressed in the House at 8,000*l.* for a Chief Justice, while it passed by the Prelate's 15,000*l.* without inquiry.

But let them turn to the incomes of official men here—take the case of a Prime Minister. Is his office necessarily one of less dignity and state than that of a Prelate? Is his physical labour and endurance less? or his mental care and responsibility? is his social position and the expenditure entailed by it inferior? His tenure of office is uncertain, and every day he sacrifices health and strength—some have even sacrificed their lives. Yet his official income is but one-third of the Archbishop's—but one-half of a Bishop of London's—considerably below a Bishop of Winchester or Durham. Yet the Member for Oxfordshire proposed last year to take off 10 per cent from him; but should nothing be taken from these higher paid ecclesiastics? What is there in their relative positions or duties which should entitle an Archbishop to three times the income of a First Minister? Why should a Bishop of London have double the payment of the Home Secretary? He need not now say whether the salary of a Secretary of State be too low, or that of a Prelate too high. But he did say there was a most extraordinary disproportion between them, and a readjustment was required.

But the incomes of our dignitaries are so large that they cannot compare them with individual functionaries—to form a true estimate of their grandeur they must contrast them with whole boards. Let them take some of the most important—the Admiralty, for instance. Its affairs are administered by a board, consisting of a First Lord, five junior Lords, and a Secretary — all men of Parliamentary standing or professional note. This board is intrusted with the administration of, perhaps, the most important department of the State, and charged with the defence of our coasts, our transmarine possessions and our commerce, and superintending an expenditure of millions a year; yet the united salaries of all the members of this board do not amount to the income of the highest Prelate. Or let them take the great departments of Customs and Excise. Consider what their duties were—they raised the greatest portion of our revenue—the national prosperity or decline was measured by their minutest variations—the net sum raised annually by them was in round numbers 35,000,000*l.*—their vast and intricate affairs had been hitherto managed by two boards—one consisting of a chairman and five commissioners—the other by a chairman and seven commissioners; and yet the whole of this revenue, amounting, as he had said, to 35,000,000*l.*, was collected throughout England, Ireland, and Scotland by an army of subordinate functionaries under two boards, consisting of fourteen commissioners, and he said the whole salaries of the members composing these two boards did not nearly amount to the incomes of the two highest Prelates.

But, again putting aside individuals, and contrasting bodies or departments with each other, he held in his hand the total amount of episcopal and capitular incomes. For the sake of shortness, he would illustrate his case by the episcopal only; and he would compare them first with a branch of the public service which was usually deemed the most costly, namely, the Foreign Ambassadors and Ministers; next, with a branch of the public service which was the most trying and severe, namely, the Governors of our colonial possessions; and lastly, with a branch of the public service which ranked highest in dignity and importance, namely, our judicial establishments; and he would show them how they would emerge from a comparison with each.

Here was a list of our foreign ambassadors and representatives of every degree — including all, from the Ambassador in Paris with his 10,000*l.*, to the *Chargé d'Affaires* at Lima (the very lowest even nominal payment) of 29*l.* a year—they were 33 in all; and yet the whole of our Queen's representatives to all the Courts and countries that we dealt with, received less than two-thirds for their support and remuneration of the sum divided amongst our 27 bishops.

He would take next a severer and not a showy service—our colonial governors — men of distinction often, who had fought their way through poverty to eminence, and who were exiled from home to serve their Queen, it might be in an unhealthy and often in a fatal climate. That return told them that they have 43 colonial possessions where the Sovereign is represented by governors or high commissioners: the whole of these functionaries, charged with responsible duties in all quarters of the globe, did not receive for the administration of all our transmarine possessions as much as was divided annually among the bench of bishops.

He would now take our judicial establishments, of the cost of which much dissatisfaction had been recently expressed. Of all our establishments, it was the one to whose value we were most alive—it was the one on which we were dependant for the whole machinery of Government—for the daily security of our lives and homes. Of all our public functionaries, there were none, he believed, whom the English public revered more than the Judges— there were none whose salaries were more richly earned; and long might our Judges merit, and our countrymen maintain, the respect they now felt for them!

Here then was the higher branch of our judicial establishment, handsomely, but to his mind not extravagantly paid:—

	£	£
Queen's Bench—Chief Justice	8,000	
" 4 Puisne Judges	20,000	
		28,000
Common Pleas—Chief Justice	8,000	
" 4 Puisne Judges	20,000	
		28,000
Carried forward		56,000
Brought forward		£56,000
Exchequer—Chief Baron	7,000	
" 4 Puisne Judges	20,000	
		27,000
Chancery—Lord Chancellor	15,000	
" 3 Vice Chancellors	18,000	
" Master of the Rolls	7,000	
		40,000
		£123,000

The united salaries of all those men who filled those offices of labour and dignity did not mount to two-thirds of the incomes now actually enjoyed by the bench of bishops, and were not within 30,000*l.* of their intended Parliamentary incomes. But he added the Scotch Judges, 13 in number, and the whole of our 30 Judges did not receive what was now paid to the bench of bishops. The highest Judge in Scotland, the Lord President, had not as much as one Welsh bishop; and all the 13 Scotch Judges together did not receive as much as four English prelates.

Let him make one more comparison, with official Members of either House of Parliament. He believed the number in this and the other House, holding their places during pleasure under the noble Lord, was about 46. Now, they knew what their duties were—their labour and their responsibility—how much their time and strength was given to the public service. It was proposed to reduce their salaries. Now, the united salaries of all those 46 working men by whom the business of the nation was conducted in this and the other House of Parliament, do not amount to the incomes of the bench of bishops; and be it observed, in the case of our Ministers and Judges, the payments were all for services publicly rendered, and which could not be evaded; the money was all for work done, and value received; yet amongst them all, our Ministers, our Ambassadors, our Governors, our Judges, with the single exception of the Lord Chancellor, there was not one with an official income exceeding that of a Bishop of London, or within 50 per cent of the Archbishop of Canterbury.

He had done with comparisons, and he came now to the last fact, by which he enforced his proposition. It was truly said, the other night, that few men got rich in the public service—the instance of a Minister being richer for his office was, he supposed, in latter days, unknown—and one of the sacrifices imposed on a Minister was the neglect of his private affairs. But was that the case with Bishops? Far otherwise: he had there a return from

Doctors' Commons of the personal property bequeathed by Bishops during the last twenty years—since 1828 that was—twenty-nine had died during that period, and the personal property alone which they had bequeathed had amounted to a million and a half. This, he repeated, was personal alone—all settled and all real property was excluded from this return.

Now when they considered that Bishops were usually advanced in life before they were consecrated—that they were mostly poor men before—that the time in which they had saved this money was therefore short; and that they had extensive patronage for their families besides, he asked in what other profession or in what other country could they find twenty-nine men bequeathing personal property averaging 50,000*l.* a piece, and all saved after they were past middle age?

He had spoken only of one class of dignitaries, because he wished to save the time of the House; but that of the Deans and Prebends was a much stronger case. The Bishops had duties to discharge—but the others had none at all—they were acknowledged sinecures; and yet they, like the Bishops, were receiving annually, out of the Church's money, a larger amount than was paid to all our Judges—or all our Ambassadors—or Governors, or Ministers of State. And to make the abuse more flagrant, and the necessity for inquiry more obvious, he had only to remind the House of what passed there the day before. Parliament having in 1840, fixed the income of Deans at 1,000*l.* a year, a Bill has been introduced this year which will raise that of the Dean of York to 2,000*l.* and six others to 1,500*l.* a year; but the deanery of Salisbury being now vacant, the noble Lord informed us yesterday, that the Bishop of Salisbury had gravely assured him that if the income was made under 1,500*l.* a year, no proper person could be got to take it.

LORD JOHN RUSSELL: I meant to say, no person without an independent fortune.

MR. HORSMAN: He accepted the correction, and it amounted to this—that of all the hardworked, underpaid clergy of the Church of England, not one could be found to take 1,000*l.* a year for doing nothing — 1,500*l.* a year was the lowest sum at which any one of them would sell himself to a sinecure. The noble Lord, however, was hard to be convinced on that point—he had determined to try the experiment, and he hoped on a future day he would tell the Committee whether it had succeeded. He should propose also to invite the Bishop of Salisbury before the Committee, to expound to it what are the onerous functions of a Dean, which he thinks should be remunerated so handsomely.

There was one objection which he anticipated to his Motion; it might be said that ecclesiastical incomes came out of a Church fund, while civil functionaries were paid out of the taxes; and, therefore, they did not fall under the same head of inquiry. But whatever might be the source of payment, it was equally regulated by Act of Parliament. And the difference of source told more strongly in his favour; the one payment was from a limited, the other from an unlimited fund. If they took 1,000*l.* from a Minister of State, the saving was distributed over so large a surface that no one felt it sensibly; but save 1,000*l.* from an ecclesiastical income, and forthwith they had a new church—a new congregation—an additional religious pastor, and hundreds would hear the gospel preached who were heathens before.

But he put it as a matter of common sense and feeling; as one not only of principle but prudence; was it wise that our Prelates should be exhibited to the nation with incomes three times that of Ministers of State, while poor clergy are receiving less than their coachmen's wages? Was it wise, was it seemly, that they should draw in their favour this odious and unpopular distinction of excepting them alone from the inquiry they were going to establish?

The Member for Oxfordshire, in making his Motion on official salaries last year, said he advocated reduction, because the people are overtaxed. He advocated it, they are undertaught; and for one poor man that he (the Member for Oxfordshire) could produce borne down by fiscal burdens, he would show him whole districts of men and women perishing, both soul and body, for lack of that spiritual instruction which it was the Church's first object to provide, and the highest and holiest function of that House, as a material agency, to direct.

And he put it to the House, why do we take such pains to bring all our other establishments and their functionaries into harmony with public feelings and the requirements of the time, and continue ecclesiastical emoluments as an eyesore, and a reproach? Did we by so doing show reverence for the episcopal office? What object did we gain? Did we serve religion? Did we strengthen the Church? Did we exalt the episcopate? Did we gratify our own consciences?

He left the answer to the House—he hoped it would not reject his Motion—for history and experience both taught us, that it is the rejection of reasonable propositions which renders the adoption of unreasonable ones more sweeping and more certain.

Amendment proposed, at the end of the Question to add the words, "and into the incomes and emoluments of Ecclesiastical Dignitaries."

Sir G. GREY said, that it appeared to him that the hon. Member was hardly doing justice to the object which he had in view by uniting it to a Motion for an inquiry such as that proposed by his noble Friend at the head of the Government. He (Sir G. Grey) did not deny the right of Parliament to inquire into the amount and distribution of episcopal and capitular revenues; that right had more than once been asserted and acted upon, and very recently under a commission appointed by the right hon. Baronet the Member for Tamworth. Subsequent to that inquiry ecclesiastical and capitular inquiries had been regulated by Act of Parliament. If, however, sufficient ground were shown for again inquiring into the subject, the House would have a perfect right to enter upon that inquiry. Episcopal and capitular incomes, however, stood upon a very different footing from those official, judicial, and diplomatic incomes which would form the subject of inquiry in the Committee proposed by the noble Lord. The latter class of incomes were derived from the public taxes of the country, and all that could be saved by a reduction of these incomes was so much saved to the public revenue of the country, and enabled the Government to relieve to that extent the pressure of taxation. The ecclesiastical revenues were, however, derived altogether from a different source, and any reduction which might be made would not go towards the relief of the burdens of taxation, but would go to other purposes, and it was no doubt a question of some importance as to the best mode of distributing ecclesiastical property, in a manner best adapted to accomplish the objects for which it was devoted. With respect to referring the subject to this Committee, he would plead in aid the argument used by the hon. Member for Oxfordshire, that if they overloaded the Committee, no beneficial result would attend the inquiry. If this subject were to be referred to the Committee, they would not be able to conclude the inquiry during the present Session. Without entering into a comparison of the amount of the different incomes made, not very justly he thought, by the hon. Member, he trusted that the House would not consent to the proposed additional inquiry.

Mr. HENLEY said, he had been extremely puzzled to make out the drift of the Amendment of the hon. Gentleman the Member for Cockermouth, and he had been still more astonished at the mode in which he had supported it. The hon. Member had not only contrasted the incomes of bishops with the salaries of various public functionaries, but he had gone on to state the amount of property left by a number of prelates; and he had endeavoured to lead the House to conclude that the existing revenues of bishops would enable them to accumulate similar sums. But the hon. Gentleman must have been aware that many of the prelates who had died during the last twenty years had held their incomes under the old system, and that those incomes had since been considerably diminished. The hon. Gentleman had endeavoured to place in an invidious light the incomes of bishops, by contrasting them with the salaries of various public functionaries; but he might as well have contrasted with those salaries the revenues of wealthy noblemen in this country. He for one, could never consent to deal with the trust property of the Church in the same manner as with the public revenue. If there was a case for inquiry, let it be proposed on its own grounds, and not in the invidious manner adopted that evening.

Mr. AGLIONBY hoped that his hon. Colleague would persist in his Motion, unless the Government would give an explicit promise that they would move for an efficient, independent, and fair Committee to inquire into the subject; and if it be necessary, and it be found that the circumstances of the country, or of the bishops. requiry any alteration, introduce a Bill founded upon the report of the Committee; or if they would not do so, whether they would support the hon. Member in a Motion for a separate and independent Committee to inquire into the subject. He denied that this was the property of the bishops; it was the property of the country vested in certain persons for certain duties. That it was so had been proved by inquiries on former occasions under the Government of the right hon. Baronet the Member for Tamworth. It was too late to say it was their own property, and that it should not be inquired into. It had been inquired into, and would be again, when the necessity of the case demanded it.

Mr. NEWDEGATE said, that the hon. Member for Cockermouth, in bringing forward the Motion, had taken the opportunity of making one of the most unfair attacks upon the Church that he had ever heard. The hon. Member was constantly proclaiming his attachment to the Church, but never missed any opportunity of vilifying it. If that was his friendship, he could only say, if he were one of a body to which the hon. Member was attached, he would much rather have his enmity than his friendship. No person who had listened to the tone and temper of the hon. Member but could doubt that he was actuated by a spirit most hostile to the Church of England.

Mr. P. WOOD would defend the hon. Member for Cockermouth against the charges which had just been brought against him of being actuated by feelings of hostility to the Church. He entirely concurred in the spirit of the hon. Member's Motion, namely, that it was desirable for the Church of England that these great and serious questions, which must at some time or other be investigated, should be looked boldly and fairly in the face; and that in the midst of the vast spiritual destitution which they all knew existed to so awful an extent throughout the country, the prelates who were at the head of the Church should not be exposed to obloquy from invidious comparisons which constantly were suggeesting themselves as to the amount of incomes derived by them from those funds which were left as a solemn trust for the maintenance of the religious institutions of the country. He observed with pain a growing tendency in the minds of individuals to confuse funds of this kind with the general funds of the State, contributed and raised by means of taxation, under the authority of Parliament. He maintained that Parliament had an undoubted right to inquire into the amount and distribution of the revenues of the Church, and believed the time not far distant when it would be necessary to have a complete revision of the incomes paid to the dignitaries of the Church. He agreed with his hon. Friend that it did not tend to the character of the Church that there should be such incomes as 10,000*l.* or 15,000*l.* The Church would certainly be placed in a sounder position if its temporal means were revised with a view to the promotion of secular as well as spiritual instruction; but he did not think it desirable that such inquiries should be mixed up with those proposed by the Government, as it would only produce confusion.

Mr. HORSMAN, in explanation, said, that he had made no allusion to the tenure of the property in question. He had given no opinion on the point whether it was of a public or a private character. The incomes of the bishops had been regulated by Act of Parliament, and he only asked Parliament to do what it did in 1836. He meant to reflect no more on the manner in which the bishops performed their duties than on the manner in which other functionaries discharged theirs.

Mr. GOULBURN said, the hon. Gentleman was only walking in the course he had always taken, for he had distinctly recorded his opinion that capitular bodies were altogether useless, and recommended their abolition as an essential reform in the Church of England. On every occasion when he could, he had taken the opportunity to disparage and lower in the estimation of the public the office of bishop, whilst professing to be a member of the Church of England, of which it was an essential element that there should be episcopal authority controlling the inferior clergy. He had drawn invidious comparisons, which had no application to the Motion, either in argument or justice; and it was impossible but to suppose that his ideas respecting episcopacy, being low, had been formed upon a very unworthy estimate of the duties of the office. The episcopal body might be brought into invidious comparison with the inferior clergy; but there was no sincere friend to the Church who did not know that its duties, adequately performed, were more effective for the dissemination of religious truth, and the enforcement of religious worship, than the labours of the individuals with whom they were contrasted. The argument of the hon. Gentleman was just that of those who, being at the botton of the scale, excited resistance against those who were above them; but whether in civil or ecclesiastical affairs, authority was equally indispensable. The hon. Gentleman had expressly stated that bishops received their incomes for doing nothing. He should not enter further into the question, because there would be other opportunities of discussing subjects connected with the Church, and he could only say he totally dissented from the views of the hon. Member.

MR. HORSMAN assured the right hon. Gentleman that he had not said bishops received their incomes for doing nothing. What he said was, that there was a distinction between bishops and deans, and that bishops had duties to perform which deans had not.

COLONEL SIBTHORP said, the dignitaries of the Church would not be affected by this Motion, which he should treat as it deserved. The censure of some men was the very best praise to others.

MR. MANGLES said, he had never heard a more bitter or unjust attack upon any hon. Member than that made by the right hon. Gentleman the Member for the University of Cambridge upon the hon. Member for Cockermouth. His hon. Friend had devoted much of his attention to the investigation of the condition of the Church, of which he was known to be an earnest and most sincere member; and that such an undeserved measure of the *odium theologicum* should have been showered upon him was most extraordinary. The charge of exciting the inferior orders in the Church against the higher was perfectly unfounded, for he (Mr. Mangles) had often heard clergymen, not merely curates, but beneficed clergy, declare that the property of the Church was most unequally distributed. He, as a sincere member of that Church, agreed with his hon. Friend in the opinion that the income of the Church was badly distributed, and that the best interests of the Church required that the subject should be speedily looked into.

Question put, "That those words be there added."

The House divided:—Ayes 95; Noes 208: Majority 113.

List of the AYES.

Alcock, T.
Armstrong, Sir A.
Bass, M. T.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Birch, Sir T. B.
Blake, M. J.
Blandford, Marq. of
Blewitt, R. J.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Buxton, Sir E. N.
Childers, J. W.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Collins, W.
Cowan, C.
Dalrymple, Capt.
Drumlanrig, Visct.
Duff, G. S.
Duncan, Visct.
Duncan, G.
Evans, Sir D. L.
Evans, J.
Fergus, J.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Glyn, G. C.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Hall, Sir B.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Henry, A.
Heyworth, L.
Hume, J.
Keating, R.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Lawless, hon. C.
Lennard, T. B.
Locke, J.
Loveden, P.
Lushington, C.
Mackie, J.
M'Taggart, Sir J.
Mangles, R. D.
Martin, J.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Morris, D.
Mowatt, F.
Nugent, Lord
O'Connell, M.
O'Connell, M. J.
Peto, S. M.
Pilkington, J.
Pinney, W.
Rawdon, Col.
Renton, J. C.
Ricardo, O.
Salwey, Col.
Scholefield, W.
Scully, F.
Sidney, Ald.
Smith, J. B.
Spearman, H. J.
Stuart, Lord D.
Stuart, Lord J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Trelawny, J. S.
Villiers, hon. C.
Wall, C. B.
Walmsley, Sir J.
Wawn, J. T.
Willcox, B. M.
Williams, J.
Wilson, M.
Wyld, J.
Wyvill, M.

TELLERS.

Horsman, E.
Aglionby, H. A.

Original Question put, and agreed to.

Select Committee appointed.

PUBLIC HEALTH (SCOTLAND) BILL.

Order for Second Reading read.

The LORD ADVOCATE moved the Second Reading of this Bill.

MR. C. BRUCE observed, that there were in this Bill 368 clauses, and in another Bill connected with it—Police and Improvement (Scotland) Bill—148 clauses; and such being the case, he objected to the House proceeding with the measure at that late hour.

MR. FOX MAULE was quite sure there could be no dispute about the principle of the Sanitary Bill. Therefore he hoped the House would read it a second time, so that it might go into Committee, where the details could be discussed.

MR. F. SCOTT also objected to proceeding with a Bill containing upwards of 500 clauses at that late hour.

SIR G. GREY begged to remind the House that this was a Bill exactly similar in principle to the measure with respect to England, which had received the assent of Parliament. All they now asked, was to go through this stage of the Bill, and there would be time hereafter for the due consideration of the details.

MR. OSWALD wished to state some

objections which he had to this measure. The Bill was brought in last Session, and referred to a Select Committee of the House, by whom some changes were made in its construction. One of the changes was that the preliminary inquiries under which the Bill was to be brought into operation were now submitted to the direction of the sheriffs of the counties. That change must surely no longer render it necessary to put the country to the expense of appointing a secretary, or the people of Scotland to the inconvenience of having a board in London, to direct the preliminary inquiries under this Bill. He had one other very great objection to this Bill, namely, that it could be put into operation on the petition of the police commissioners or the provosts of towns.

Bill read 2°, and committed for Friday 26th April.

The House adjourned at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, April 15, 1850.

Minutes.] Public Bills.—1ª Smoke Prohibition; Estates Leasing (Ireland).
Reported.—Brick Duties; Exchequer Bills.

AGRICULTURAL DISTRESS.

Lord STANLEY presented a petition from St. Peter's, Thanet, complaining of agricultural distress; praying also that the salaries and pensions of public officers might be reduced. He would call the attention of the noble Marquess to this part of the prayer, because the petitioners stated that such reductions were necessary, in consequence of the depreciation in prices which had been occasioned by the late free-trade measures of the Government; and he must be allowed to say, that this was a most significant evidence of the effects of the legislative course which had been pursued, that there should now be an increased demand for parsimonious economy in the administration of the public service, which he was very much afraid might eventuate in preventing adequate remuneration from being given to public servants, by which means the public must themselves suffer. Their Lordships would see that this call for rigid economy was not a strong indication of that universal affluence and prosperity which it was said would be the consequence of the adoption of free trade. The people only asked for strict economy, when they found that their means of paying the taxes were reduced; and the fact was, that the Government, by its course of legislation, had increased taxation disproportionately to the means which the people had of paying it—they had increased by one-third the pressure of the national debt, and a system of taxation which the people had been able to bear under protection, they now found entirely overwhelming. In fact, they found that they could not bear it, and he very much doubted whether they would consent to bear it longer at all. If the Government persevered in this rash experiment, which they were carrying on in the teeth of all experience, they must encounter failure; and he thought the petitioners would be entitled to a large remission of taxation, which it appeared they claimed.

Petition ordered to lie on the table.

BOARD OF TRADE RETURNS.

Lord PORTMAN availed himself of that opportunity to ask a question of importance, with regard to some errors which had crept into the statistical returns presented by the Board of Trade. In the course of the year 1848 certain returns had been made of the exports by that board. In the year 1850 a statement had been presented by the same board of the exports of 1848, which did not correspond with the returns made at the time. Now, if a mistake had been committed it ought to be set right; and, if no mistake had been committed, the discrepancy ought to be explained.

Earl GRANVILLE was glad that the noble Lord had given him an opportunity of setting right a very natural misapprehension. The noble Lord had compared the last monthly report with the current monthly account of 1848, whereas the Customs had properly furnished the Board of Trade with the corrected accounts for 1848. The same apparent discrepancy would have been seen in the same month's account of last year. The note to the twelve months' accounts explained that the additions of the quantities in the twelfth month would not agree with the yearly total, on account of errors corrected. A central board had now been established at the Custom House, which he hoped would have the effect of diminishing the number of these errors. Instead of these returns being sent up from above 100 outports, the papers were sent up to a department of the Customs in London, where they were compiled with more care and attention than could be expected from so many collectors.

PROCEEDINGS AGAINST CLERGY BILL.

Lord REDESDALE asked the Bishop of London whether he intended to proceed with the Proceedings against Clergy Bill. He said there was a strong feeling prevalent throughout the country that the right rev. Prelate should proceed forthwith with that Bill. Nobody could say that the tribunal of the Privy Council gave satisfaction in deciding questions relative to false doctrine and heresy. The general opinion of the Church was that a convocation ought to be assembled. That was the feeling, although the Privy Council on a late occasion had declared that they had decided no point of doctrine. In asserting this they must have taken the words in the same non-natural sense in which they had treated the canons, articles, and catechism of the Church. Unless something satisfactory were done on this subject, great mischief, he was afraid, would ensue both to the Church and to the country.

The Bishop of LONDON said, that as the noble Baron had appealed to him and had asked whether he intended to proceed with the Proceedings against Clergy Bill, which in one of its clauses established a new court of appeal in cases of false doctrine, he had no hesitation to declare that it was his intention to proceed with that Bill. That Bill, however, contained other important clauses not connected with the establishment of a new court of appeal. As to the clause which related to the substitution of a new court of appeal, he had not, owing to his other occupations at this time of the year, had an opportunity of consulting his right rev. Brethren and the Clergy at large upon it. As soon as he had that opportunity he hoped to be able to frame a clause which would be satisfactory to the Church and to the country at large. He was not prepared to say that the clause as printed in the Bill was the clause which he proposed to press upon their Lordships for adoption; probably not; for he wished to reserve to himself full liberty of action until he had consulted the clergy at large.

Lord REDESDALE thought that the answer which the right rev. Prelate had given to his question was, in the main, satisfactory. He (Lord Redesdale) was of opinion that as little discussion as was possible should take place on the clause, and that the subject should not be treated like either a political or a controversial discussion. He regretted that at this period of the Session nothing could be done immediately, for if something were not done speedily it would be of no use; for if such a clause did not pass through their Lordships' House till the close of the Session, it would meet with all suitable obstruction elsewhere, and, in all probability, would be deferred to another Session.

The Bishop of LONDON said, it might not be inexpedient to separate the clause substituting the new Court of Appeal from the other clauses in the Bill, for it might stand independently of them. It provided merely a court of appeal in reference to one particular class of cases. He believed there would be no objection to the Court of Appeal in matters of fact, but only in questions of false doctrine. He understood that, as far as regarded the discipline of the clergy, there was no objection to the Bill.

Subject at an end.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 15, 1850.

Minutes.] Public Bills.—1° Metropolitan Interments; Convict Prisons; Railway Abandonment.

2° Medical Charities (Ireland).

Reported.—Indemnity.

THE ROMAN CATHOLIC CHURCH IN MALTA.

Sir R. H. INGLIS wished to put a question to the hon. Gentleman the Under Secretary of State for the Colonies on the subject of certain proceedings at Malta in reference to the Roman Catholic Church in that island. On the 10th of March, an ordinance was passed by which the Church of Rome was declared the dominant religion in Malta. On the 14th a proposition was made in reference to other religions, tolerating or protecting them. A Member of the Government of that island objected, and contended that the Church of Her Majesty, which Her Majesty had sworn to protect in all its rights and privileges, could not fairly be designated as a church tolerated in any part of Her Majesty's dominions, and maintained that it ought to be regarded as established. Her Majesty's Government were defeated, and the ordinance in its offensive form was passed. A protest was made by the Lord Bishop of

Gibraltar. From the part taken by Her Majesty's Government on the spot, there was very little room for doubt as to the answer which would be given to the question he had now to put, whether such ordinance had or had not arrived, whether it was the intention of Her Majesty's Government to give their sanction to it, or, if not, what answer they proposed to return?

Mr. HAWES replied that his hon. Friend had scarcely stated what had been done by the Council of Malta quite correctly. The facts were these: In the council a proposition had been made for the amendment of the municipal code. In that part relating to religion there had been introduced, by a majority, a certain amendment which imposed a higher penalty on the interruption of the Roman Catholic worship. No ordinance had been passed; none, at least, had reached the noble Lord the Secretary of State. The Bishop of Gibraltar, within whose diocese Malta lay, had protested, and his protest had been received; but in consequence of these proceedings the noble Lord the Secretary of State had thought it right, if the amendment should be introduced into an ordinance couched in the terms stated, and imposing discriminating penalties on those who interrupted the worship of Roman Catholics, as compared with those who interrupted the worship of any other body of Christains, to declare that such ordinance should not be sanctioned.

Sir R. H. INGLIS inquired whether the term "Established Church" would be used as designating the Church of Her Majesty?

Mr. HAWES could give no further reply till the ordinance arrived.

Subject dropped.

SECURITIES FOR ADVANCES (IRELAND) BILL.

Mr. STUART wished to know, with reference to the Securities for Advances (Ireland) Bill, which stood on the paper for that night, how many sales had actually been effected under the order of the Commissioners for the Sale of Encumbered Estates in Ireland, and in what counties; how many orders had actually been made for the sales of estates; and whether, in any case, and in how many, application had been made to the Commissioners to have the sale effected on the terms of paying one-half the purchase-money, and providing for the other half by certificate, according to the mode pointed out by the Bill before the House?

The SOLICITOR GENERAL had received notice from the hon. and learned Gentleman too late to obtain the information. What he might state could only be matter of opinion; but if the hon. and learned Gentleman moved for a return on the subject it would be furnished.

Mr. STUART observed, that it would be idle to proceed with the Bill to which he had referred till the information he sought was produced.

Sir G. GREY suggested that the hon. and learned Gentleman should move for a return now.

Return ordered accordingly.

STAMP DUTIES BILL.

On the Motion that Mr. Speaker leave the Chair, in order to go into Committee upon this Bill,

Sir H. WILLOUGHBY said, he found in the amended Bill that copyhold estates and customary estates and memorials were included, and that they had not existed in the original Bill, or in the schedule which had passed through the Committee of the whole House, He wished to inquire, whether it was competent to the House to deal with any new heads introduced into a Bill of this nature, with the view of increasing the taxation of the country, without submitting them to a Committee of the whole House?

Mr. SPEAKER stated, that if the duties were entirely new it would be necessary for them to go through a Committee of the whole House; but if they were merely reductions of old duties, it would not be necessary.

The CHANCELLOR of the EXCHEQUER was anxious to make a very short statement in order to remove any misapprehensions which might exist with regard to this Bill, because it was extremely inconvenient that any discussion should take place upon the question of the Speaker leaving the chair, as almost all the points that could be raised must be upon the schedule of the Bill. There had, however, been so much misapprehension on the subject that he might state that in the altered Bill now before the House there was no increase whatever—no additional tax had been laid on; but there was a considerable number of reductions. He and the Chairman of the Board of Inland Revenue had received many suggestions with regard to this Bill, the whole of which had been considered and digested. Interviews had been had with many of the parties, and he believed he might say generally, that 99 of the objections out of 100 had been removed by the alterations which had been made in the Bill. He had stated, when he introduced the Bill, that he endeavoured to proceed upon the *ad valorem* principle. Whether that was a right principle was a question for the House to decide; but upon it he had proceeded as nearly as he could. That was the principle that he had carried out; but what he wished to state now generally (because it was probable it might remove some apprehension) was the effect of the alterations. The great object was taken that words had been introduced which created doubts of raising money for short loans on deposit of deeds and other securities. He had struck them out altogether—all objections on that ground had been removed. Objections was taken to the charge on mortgages. That had been reduced. The duty on copyholds appeared to be of a higher amount than that of freeholds; that had been reduced. The duty on surrender and assignment of leases had been reduced. Settlements in pursuance of articles had been exempted. The reductions would be more conveniently taken on the schedules, or on the Bill as the matters arose in Committee.

Mr. GOULBURN was unwilling to prevent the House going into Committee; but he trusted he might be excused whilst he pointed out what appeared to him to be a grave defect in the Bill. The right hon. Gentleman the Chancellor of the Exchequer had attempted to introduce a mode of levying stamp duties which had never been adopted in any previous Act, namely, the principle of levying an equal percentage on all transactions requiring a stamp. This had never before been acted upon, and for this simple reason—that, if you took an amount of duty in the lower part of the scale sufficient to produce the adequate revenue, it operated on the higher part of the scale with such extreme oppression that it would prove either ruinous to the party paying the duty, or be from evasion utterly inoperative as a measure of revenue. The right hon. Gentleman, therefore, had got himself into a difficulty, and if he proposed to make an *ad valorem* scale of duties on stamps for all the different subjects stated in the present Bill, it should have been made rather with reference to what would be to be paid on the higher amounts than on the lower. It appeared to him that that was the only manner by which they could give effect to a graduated scale without producing inconvenient consequences. To take one example, look at the case of mortgages. The right hon. Gentleman introduced this measure as a relief to what was supposed to be a suffering part of the community — the landed interest of this country; and he stated that it was his object to give relief in the case of minor conveyances and in that of the borrowing of money on land, and thus facilitate transactions of that nature. Transactions by way of mortgage, whether upon land or other property, were carried on to a very large amount indeed, and when they talked of 20,000*l.*, 30,000*l.*, or 50,000*l.* lent upon mortgage, they talked only of an every-day occurrence, in which the parties were so far in difficulty as not to be competent to pay immensely for the advantages they received; whether the necessity of mortgaging arose from circumstances of personal distress, or with the view of laying the foundation of a future fortune. Yet, see how enormously the duty upon these transactions was augmented by the present measure. Take a mortgage of 50,000*l.*; the duty, which was previously 25*l.*, would now be 250*l.*, and, going up to 150,000*l.*, the duty would be 750*l.*, instead of 25*l.* The necessary consequence of this arrangement would be, either that the ingenuity of mankind would devise some means of obtaining advances of money without the expense of a mortgage, and thus the revenue would not be obtained, or the exaction would operate in a ruinous manner upon those who were compelled to embark in such transactions. Again, observe how such a change of duty would operate upon private as well as public interests, suppose that upon a mortgage of 150,000*l.* a person was paying at present 5 per cent interest. As the funds rose—as he hoped they would under the management of the right hon. Gentleman opposite—nearly to par, he went to his creditor, and asked to be allowed a reduction of the interest. Under ordinary circumstances, at present there would be no hesitation in acceding to such a proposal; but the case would be very different if this Bill should pass, for the creditor would say, "No, the Government imposes on you a penalty of 750*l.*, and I will not reduce the interest to the market rate," because I know you cannot pay that penalty. The heavy penalty imposed in the shape of a tax upon the mortgage, thus gave to the lender the power of maintaining a high rate of interest, and a high rate of interest is not beneficial to a commercial community. It was well known, that in times of prosperity many of the great mills and manufactories that were built were upon loans borrowed upon mortgage of the building about to be erected; and he remembered in that wild period of prosperity which occurred some time back, that the practice of mortgaging was carried to such an extent that each story of a manufactory was mortgaged as the building advanced. If the House imposed this tremendously heavy charge upon mortgages, they would defeat the endeavours of persons who wished to embark in such transactions. The House must bear in mind also that there were other items in the stamp schedule that proceeded upon the principle of graduated duties, and were not included in the present Bill. The right hon. Gentleman left bills of exchange perfectly open, and he was at a loss to understand upon what principle it was that the same rule was not applied to them; for if the right hon. Gentleman retained the present scale of bill duties, did he not imagine that persons who wanted to borrow money would resort to the bill-market rather than pay the enormous duties to which he had alluded; or, if he altered the present rate of bill stamps, and imposed a duty of 20*l.* or 30*l.* upon the drawing of a large commercial bill, in order to satisfy the principle of an *ad valorem* duty, what would be the feelings of the mercantile community? With respect to equitable mortgages, the right hon. Gentleman had exempted them from the heavy duty which the Bill originally proposed, and so far, no doubt, he had given an advantage to those who dealt with money on loans for short periods. The objection which he had to the principle, as far as mortgages were concerned, applied even in a stronger degree to settlements. If they made the duty so excessively heavy on the larger sums, in the case of marriage settlements, and imposed, as this Bill imposed, a duty not heretofore levied on contingent annuities, they obliged parties to resort to other modes of effecting their object; and he must say, that, in his opinion, such a provision was contrary to sound policy. He had been anxious thus briefly to state this outline of his objections previous to the Bill going into Committee, in order that the right hon. Gentleman might, if he thought it desirable, take them into his consideration, and repair what he looked upon as an error in judgment in framing that scale of duties—an error which he believed would lead to one of the two consequences to which he had before referred—either to a general evasion of the duty as regarded the higher amounts, or to an oppressive exaction upon parties who were compelled to embark in such transactions, ruinous to them, and injurious to the general interests of the country. He wished further to ask why in one particular item the right hon. Gentleman had made the duty on mortgages double the amount of the duty on conveyances? In conveyances the man making a conveyance must be supposed to have something; but in the other case he would not be supposed to be so abundantly provided with available property. He should conclude by observing that, in his opinion, these were matters of considerable importance, and well worthy of serious consideration.

MR. MULLINGS, in stating the objections which he took to this Bill, said, that he did not see that it contained any provisions which would repeal any of the clauses of the Act passed in the reign of George IV., which regulated the transfer of mortgages. He considered that the duties on such transfers should be put in the same category as those to which this Bill referred. If they repealed the stamp duty on leases for one year, it was no longer necessary with regard to conveyances. He did not see, in such cases, that this Bill contained any provision for the production of deeds. The objections made by the right hon. Gentleman who had just sat down, as regarded mortgages, were well worthy of consideration. He wished, however, that the right hon. Gentleman had not confined his objections to that part of the matter which related to mortgages on land only, but had extended it to mortgages on money, railway debentures, and a variety of mortgages. Bonds and warrants of attorney were now subjected to a very large duty. With regard to these, he thought that they ought to be all put in one class, and made subject to the same duties as the others. Taxing the public for loans, to the extent proposed by the Bill, was a very pernicious principle. It was, in fact, taxing the necessities and even the distresses of the people; for it frequently happened that parties who were obliged to execute a mortgage were not in circumstances to pay the expense of the instrument. Such cases had happened in his own practice. Up to sums of 1,000*l.* the Bill, he admitted, would afford relief, but beyond that the schedule was oppressive. For example, for 2,000*l.* the present stamp was 6*l.*; under the Bill it would be 10*l.* On 3,000*l.* the present stamp of 7*l.* would be increased to 15*l.*; on 4,000*l.* it would be increased from 8*l.* to 20*l.*; and on 5,000*l.* from 10*l.* to 25*l.* So the scale went on. He contended that these charges were monstrous. There were other objections to the Bill, which he should reserve for the Committee; but under such circumstances, he could not consider it as a measure of relief. Nothing was more monstrous than the pressure of taxation on persons wishing to make settlements of annuities to the amount of 500*l.* on members of their families. His only object in making these remarks was to bring the attention of hon. Members to the facts of the case, that they might know when in Committee what course they should take in the event of any amendments being proposed. He could not avoid remarking, that a reduction of the stamp duty in the matters to which he referred, would, instead of causing a decrease in the revenue of 300,000*l.*, produce an increase to that amount.

Mr. ROUNDELL PALMER said, benefit societies were exempted by the existing Act from stamp duties upon their transactions; and by a subsequent measure benefit building societies were placed upon the same footing. The Court of Common Pleas, on two occasions, had recently decided that benefit building societies were exempt from stamp duties. The transactions of these societies were of a very extensive nature. Large sums of money were invested in them not only by persons of the poorest class, but by others rather above them. It was, therefore, a matter of grave consequence to these parties that the exemption should be continued; but he did not find anything in the Bill upon the subject. He therefore wished to ask the right hon. Gentleman whether it was intended that the Bill should continue the exemption?

The CHANCELLOR of the EXCHEQUER said, it was inconvenient to discuss the details of the measure at that particular stage, and he suggested that the House should go into Committee at once, when every question would be answered.

Mr. HUME had no doubt that there was a considerable aggravation of the charges upon larger sums, but the intention was that the duty upon all sums under 1,000*l.* should be reduced to such a moderate amount as would afford relief to the smaller class of borrowers, and so be productive of advantage to the community. And then, in order to make up for the loss by this reduction, it was deemed necessary to apply an *ad valorem* duty to all sums above 1,000*l.* Such was the objection; and then the question arose whether the percentage of duty was greater upon the large sums than upon the small. Now, the great complaint in this country had been that on large sums were charged but a small duty, whilst on small sums there was a large duty; and he understood the Government were disposed to equalise it, but he was favourable to the principle of an *ad valorem* duty.

Mr. HENLEY said, that if the principle of an *ad valorem* duty were acted upon, it ought not to be confined to mortgages and stamps of the description referred to; it ought to be made general. But there was a hardship upon the House. They had been told that the country was about to receive a boon in the shape of a reduction of taxation to the extent of 300,000*l.*, yet they were now asked, in the absence of all information, to apply an *ad valorem* scale of duties which would press with great weight upon certain interests. If the right hon. Gentleman the Chancellor of the Exchequer consented to forego 300,000*l.* a year by the existing duties, he ought to give the House information whether the *ad valorem* duty would not produce a much larger amount. Unless he did, he was desiring the House to take a jump in the dark. Before the recess he asked the hon. Gentleman the Secretary of the Treasury if he could produce a return of the number of stamps issued according to their respective values, and he was told the Stamp Office could not furnish such information. It was clear then that the House were asked to proceed in the dark. All the persons he had communicated with upon the subject concurred in the opinion that the Bill was an addition to the taxation of the country. It was therefore hardly fair to ask the House to go into Committee, unless an assurance was first given that, after it had been gone through, it should be recommitted, so that the country might have time to consider it maturely. Certainly the proposed stamp upon settlements and jointures were very hard. Why should they be charged upon a contingency which might never accrue at all?

The woman upon whom the settlement was made might die before it accrued; and it was clearly a hardship to place a tax upon parties under such circumstances.

Mr. SADLEIR said, that the measure submitted to the House involved questions most difficult to determine, and comprised provisions which affected very many interests throughout the kingdom. He would ask the House to consider the circumstances under which they were now pressed to hurry into Committee on this Bill. They would well remember the declaration of the right hon. Gentleman the Chancellor of the Exchequer, that he was about to propose an alteration in the duties which would operate as a great and substantial boon to the landed interest of the kingdom. That declaration was followed by a Bill which was now, he was glad to say, a defunct abortion, and of which, seeing that it was dead, he was unwilling to speak harshly. The right hon. Gentleman had evinced some impatience that he had been troubled with a great mass of suggestions for the improvement of the Bill. He (Mr. Sadleir) was bound to admit that, notwithstanding his impatience, the right hon. Gentleman had most gracefully and sensibly yielded to nine-tenths of those suggestions, and that, consequently, the House was not now called upon to consider the first Bill at all—a Bill which, he had no hesitation in saying, would, if it had passed, have brought an amount of disaster and ruin upon the commercial and agricultural interests of the country of which it was difficult to form any just conception. But although the worst parts of that Bill had fortunately been withdrawn, he thought there was great reason to complain that after the manner in which a similar effort was scouted by Parliament and the country in 1836, the Government should have again attempted to induce the House to adopt such objectionable provisions. He regretted to say, that the second Bill was not altogether free from objections; and although it might be very convenient for the occupants of the Treasury bench to avoid entering into any explanation of the Bill, especially as they might not be very conversant with the subject, it being a mixed question of agriculture, commerce, and law, they certainly ought not to have invited the House to consider the Bill in Committee without furnishing them with some explanations as to what they were determined to insist upon, and how far they intended to yield. Were they determined to stand by the present schedules? What did they propose to do with regard to the large class of deeds which were unduly stamped at the present moment? He must confess that when he first saw the title of the Bill he thought it very encouraging, because it professed not merely "to repeal certain stamp duties, and to grant others in lieu thereof," but "to amend the laws relating to the stamp duties;" and he certainly had hoped, that, after the subject had been so long before Parliament and the country, some well-considered scheme would at length have been submitted to the House for the consolidation of the Stamp Acts, which were at present so scattered; for the simplification of provisions which were at this moment so complex and equivocal; and for diminishing the sources, and removing the causes, of the disputes which were continually arising out of the imperfect nature of the stamp laws; but he had been disappointed. He thought that the right hon. Gentleman had stated that it was not proposed to impose any duty on any deed or writing which was not at present liable to duty. The right hon. Gentleman should well know that there were no laws which were so systematically evaded as the stamp laws. In the first place they dare not enforce them, because commerce and trade would be thus literally brought to a standstill. He hoped the House would be careful not to infuse into this Bill any of the objectionable principles which sealed the fate of the former Bill. It was true that the right hon. Gentleman said, that it was his intention to reduce the stamp duties on small transactions, and to increase them on large transactions. But what was the right hon. Gentleman's notion of a small and a large transaction? He regarded the sum of 1,000*l.* as a large transaction, and subjected all operations beyond that amount to a high and increasing rate of duty. The hon. Member for Montrose, when he sympathised with those who negotiated small transactions, should recollect that cases under 1,000*l.* were but a very small portion of those transactions in which the industrial classes of the country were interested. He objected to the increase of duty on every sum over 1,000*l.*; the stamp duties ought to be diminished up to 10,000*l.*, and then there ought to be a gradual increase. There was one class of cases on which the right hon. Gentleman proposed to increase the duty cent per cent. These were cases in which the stamp duty was now a shilling. He was of opinion that such an increase would be a great hardship. In cases of registration, with reference to leases or deeds, such an increase would be made according to the right hon. Gentleman's scale as to tempt many persons not to register at all, which was diametrically opposed to the policy of the hon. and learned Solicitor General with reference to land in Ireland, inasmuch as it was the object of the latter by recent measures to necessitate registration with reference to every transaction relating to land in that country. With regard to searches, nothing could be more objectionable than the stamp duties proposed, and showed great want of consideration and practical knowledge on the part of those who introduced this measure. With regard to the general principle he thought it exceedingly unjust that pure personalty should be charged with the same stamp duties as real property, and for this reason, that transfer in personalties occurred much more frequently than transfers of real property, and therefore the duties paid were much greater than they should be if the proportions were properly observed. Again, in matters of pure personalty, they had very heavy probate and legacy duties, an additional argument against rendering it liable to the same stamp duty as real property. He came now to the case of redeemable annuities, and he asked why were they to be charged a higher rate of stamp duty than mortgage transactions? A redeemable annuity was, in fact, a mortgage effected by a tenant for life, who, being anxious to raise money for improvements, could not adopt the usual plan of mortgage. It was, in fact, the tenant for life's mortgage, and he put it to the House whether in the present Bill an opportunity should not be taken to put both on the same footing. An omission he also regretted in the Bill was, that no attempt was made to set at rest those distressing doubts which the present state of the stamp laws created as to the rights of patentees. He objected to the plan of combining an *ad valorem* with a progressive scale of duties, the effect of which would be so to raise the expenses of mortgage transactions, as to drive parties to resort to practices which were making titles as voluminous as those Irish titles of which such complaints had been heard of late. There were no laws so continuously evaded in this country as the stamp laws, not from any disposition to commit fraud, but because the laws were in themselves so oppressive as necessarily to drive parties to every sort of shift and evasion. He regretted that no attempt had been made in this Bill to remove all doubts as to the proper amount of duty to be charged on transfers of mortgages. They had heard many complaints as to the amount of litigation which the Irish tenure of leases for lives renewable for ever had created, but nothing could exceed the amount of litigation which had been created in this country by the uncertainty as to the proper amount of stamp duty to be charged on transfers. And yet although the matter had been a subject of general complaint for twelve or fifteen years, they were now considering a Bill for the amendment of the Stamp Duties, in which no attempt whatever was made to remove this great cause of doubt and dissatisfaction. With reference to portions for younger children, they were at present free from what was called the settlement duty, and he thought that the present Bill should be so framed as to continue that exemption. But the greatest objection he had against this Bill was its *ex post facto* operation, as even in its amended form it bore oppressively on deeds either wholly or in part executed. He would ask the hon. and learned Attorney General whether the Bill was not defective as regarded this point—whether, in fact, it was not without provision for the cases in which deeds may be either wholly or in part executed. This was a point which imperatively called for some distinct provisions. It was well known that there were constant conflicts as to what was the proper amount of stamp duty to be charged upon a deed. The matter was always uncertain; and from no public board or department, either in England or Ireland, could the proper information be obtained. There was not, in fact, a solicitor to a board in either country who would condescend to enlighten parties on the subject. His hon. Friend the Member for Cirencester had given notice of clauses which would to a great extent remove the difficulty, but he (Mr. Sadleir) had not thought it loss of time to explain the matter fully to the House. He thought it highly desirable that a power should be vested in the commissioners of inland revenue of determining the proper amount of stamp duty to be charged on a deed, and that their decision should be binding upon all parties. He believed that his hon. Friend's plan was to refer the matter to some judge in the common law courts. He trusted that in Committee some Member of the Government would state whether, in the case of deeds wholly or in part executed, the present or the new duties would be charged in case such deeds should be found to be unduly stamped. He understood the intention of Government in proposing the present Bill was to confer a boon upon the landed interest, and therefore he wished them to introduce a clause declaring every deed stamped before the passing of this Bill to be duly and legally stamped. He urged this upon the Government, because no man could contend that a party who went to the expense of stamping a deed at all meditated fraud. The parties who evaded the law, if evasion it could be called, were the great commercial interests who effected transfers of 50,000*l.*, 80,000*l.*, and 100,000*l.* without the intervention of a stamp, and not the man who inadvertently, or through ignorance, had ratified his transaction with an improper stamp. This was done every day in this great city, transactions of vast amount being carried on plain paper by parties who knew very well that that paper ought to be stamped, but who dared the Government to enforce an absurd law, the effect of which, rigorously enforced, would be the total repression of the trade and commerce of this country. The party putting a wrong stamp on a deed meant no fraud; the defaulters were those who effected transfers on paper wholly unstamped. He asked no mercy for them, but he did claim consideration and exemption for those who, through the uncertainty of the law, had, inadvertently, put wrong stamps on their instruments. There were some exemptions with regard to shipping which were not alluded to in the new Bill, and, for that and for other reasons, he would put it to the right hon. Gentleman the Chancellor of the Exchequer, whether it would not be better to introduce a few words into the Bill, providing that all deeds exempt at present, should continue to enjoy that exemption under the new law.

The House then went into Committee on the Bill; Mr. Bernal in the chair.

The CHANCELLOR OF THE EXCHEQUER said, that in rising to address the Committee, he merely wished to state that he had never expressed any reluctance to hear objections on the Bill. When asked, on a former evening, to postpone the Bill, he had refused to do so, not because he objected to discussion, but because he considered the objections started could be best disposed of in Committee. What he had objected to was, that Gentlemen should have asked him questions which, according to the forms of the House, he was not enabled to answer. Now, with regard to a great number of questions which had been raised, they referred to different clauses of the Bill, and different parts of the schedules; and he thought that the more consistent course would be to answer those questions as they arose. At the present moment he would only trouble the House with three or four general observations. It was not true that in introducing the measure he had said that he was introducing a Bill for the relief of all property—what he had said was, that the measure would be a relief in all transactions of small amount, and that he proposed to indemnify himself by raising a larger amount of duty on larger instruments. That statement seemed to have met with general approval; and he had further stated that he proposed an *ad valorem* duty, not a graduated scale, but an equable percentage, on the sum secured by the instrument, being one-half per cent on mortgage deeds or bonds. His right hon. Friend the Member for Cambridge University objected to that principle. He (the Chancellor of the Exchequer) could only say that he had received a great number of letters in favour of it. The question on this point was, whether a rich person who borrowed a large amount was not to pay the same proportionate duty as a poor person who borrowed a small amount. He had proposed, and he meant to abide, by an *ad valorem* principle, but of course must bow to whatever might be the decision of the House. He had heard it urged, that there might be a case of 100,000*l.* lent to a great India house to prevent its failure, and that it would be hard to subject such a transaction to a proportionate stamp; but was not the case just as hard when the poor shopkeeper, borrowing a small sum to meet a pressing exigency, was made to contribute a proportionate amount to the stamp duty? It might be open to an objection to tax borrowings at all; but surely it was just that there should be the same percentage in the case of the large as of the small borrowing. He was quite aware that the amount charged on some borrowings would be very large, and, therefore, having communicated with the Commissioners of Inland Revenue, he was prepared to propose an equitable reduction. The rate proposed was now one half per cent. He proposed to reduce it to one quarter; that was to say, 5*s*. on the 100*l*. It had been stated, that the Government proposition would add half a million to the revenue. He (the Chancellor of the Exchequer) could only say that he should be very happy if the prediction turned out correct. The hon. Member for Oxfordshire asked for returns showing what the result would actually be; but he was afraid that he could furnish no returns which would show exactly the effects of the alteration. He would, however, remind hon. Members that in these transactions, as in every other in this country, it was the mass of small transactions, and not the few large ones, that in the main produced the revenue. He had gone over the accounts carefully with the Commissioners of Inland Revenue, some of whom had been Commissioners of Stamps, and the conclusion they had come to was that the loss consequent on the introduction of the present Bill might be taken at 300,000*l*., or perhaps as low as 270,000*l*., and the proposal he had just announced, reducing the percentage to one quarter, might entail a further loss of from 30,000*l*. to 60,000*l*. He could produce no figures that would settle the exact amount. He might, as in the case of other reductions which had increased consumption, hope for increase in some cases, but to give anything like an exact idea of the probable result of the change would be utterly impossible. All he could say was this, that having desired the officers who had the best means of forming an opinion on the subject to give him their opinion, he now stated on their authority—he could have no other—that the loss on his original proposal would be probably, in round numbers, 300,000*l*. Whether the multiplicity of transactions might not in a few years raise the revenue, he could not foresee; but the loss from his present proposal would be most probably from 330,000*l*. to 350,000*l*. He did not know that there were any other general observations requiring an answer, except that of the hon. Member for Carlow as to existing deeds. If that hon. Member had taken the trouble of referring to the Act, he would have found that the case of existing deeds was provided for. The hon. Member had also objected that there was considerable difficulty in ascertaining how deeds ought to be stamped. The hon. Member for Cirencester had proposed a clause to remedy the difficulty. He (the Chancellor of the Exchequer) did not think that the hon. Member's clause would settle the matter in the most desirable way, but he would himself prepare a clause by which he thought that the difficulty could be satisfactorily arranged. He proposed to vest in the Commissioners of Stamps and Taxes a power to define the proper amount of stamp to be affixed to any instrument, and that there should be, in addition to the usual stamp, a small stamp, to be called an adjudication stamp, fixing for ever the future legality of the instrument. He did not think there were any other general observations requiring an answer; and as to questions of detail, he thought they could be much better disposed of as they arose on the clauses and schedules.

Mr. DISRAELI said, the right hon. Gentleman had thought fit, whilst the House was in Committee, to address to them some general observations, which were however of a contradictory nature. He understood the right hon. Gentleman on a former evening to say, that he intended to bring in a measure for the advantage of the landed interest. The smaller proprietors, not the least important part of the landed interest, were to receive relief from a modification of the stamp duties that affected them. The right hon. Gentleman informed them that he could not make this beneficial change for the small proprietor, unless he, at the same time, made others which would affect the great proprietors, adopting an *ad valorem* system of imposts. He could not remember, when the right hon. Gentleman made his statement, that the phrase of *ad valorem* escaped his lips. [The Chancellor of the Exchequer: Yes, it did.] The right hon. Gentleman said he was going to introduce a measure for the advantage of the small proprietors—that he anticipated that the change which he was going to make would cost the revenue from 300,000*l*. to 350,000*l*.—and that he was going to sacrifice from the surplus at his command a sum to that amount. That was an intelligible proposition; but what did the right hon. Gentloman say to-night? That he was prepared to benefit the small proprietors to the amount of 350,000*l*.; but that, in compensation for this, he must lay taxation to the same amount on the great proprietors. Was that consistent with the original statement of the right hon. Gentleman, that he was going to devote a certain amount of his surplus revenue to the benefit of the landed interest, when it turned out that the great plan of the Government was to relieve one portion of it at the expense of the others? The right hon. Gentleman introduced a measure, the object of which was to benefit the small proprietors by devoting to their relief a portion of the surplus revenue, as the right hon. Gentleman originally stated, for he anticipated a loss; but the present measure, even if it were politic and necessary, had for its object to increase the taxation of the landed interest, or at least a considerable portion of them. But whether politic and necessary or not, one thing he must say, that a measure of this kind ought to be brought forward frankly, and not under a false pretence. The Government should not, on an occasion of such importance, come forward and announce that they were going to introduce a measure for the benefit of the landed interest, which, when it came to be discussed, turned out to be one for raising the taxation of a portion of the landed interest. But if the right hon. Gentleman insisted on a compensation by an *ad valorem* scale, what did he mean to do with the 350,000*l.* surplus in the Treasury, the application of which, in the way proposed, would not be necessary, and which probably some of his friends around him would wish to be devoted to the reduction of the duty on paper or some other article?

The CHANCELLOR OF THE EXCHEQUER said, it would not be in order to refer to what had passed in a former debate; but surely the hon. Member's memory must be defective, seeing that he had put words in his (the Chancellor of the Exchequer's) mouth which he had never uttered, and—unintentionally of course—had misrepresented other words uttered not five minutes since. He appealed to the House whether, when he brought forward the stamp duties, he had not distinctly stated his project. What he had stated was, that he proposed a measure with regard to the stamp duties, the loss by which would be somewhere about 300,000*l.*, and the removal of the brick duty at somewhere about 400,000*l.*, both together about 750,000*l.* Now, the hon. Gentleman said that he (the Chancellor of the Exchequer) had somehow or other got 350,000*l.* into his pocket; he hoped it might be so, but he was wholly at a loss to know from whence it was to come. When he stated that he anticipated a loss of about 300,000*l.*, he stated also that he proposed to relieve transactions of a small amount, and to increase the duty on those of a large amount, and that on the balance of the account, he calculated that that loss would result. He had concealed nothing, neither had he deceived anybody. And with regard to the application of the *ad valorem* duty, when he brought forward the budget, and again on the following Monday, when he moved the resolution on the stamp duties, he stated most distinctly, and he believed nine-tenths of those who heard him would corroborate what he said—that he proposed to adopt the *ad valorem* principle throughout. He repeated that the hon. Gentleman entirely mistook when he said that there would be a gain on the change in the stamp duties of 350,000*l.*; on the contrary, there would be a loss on the whole transaction of about 300,000*l.* or 330,000*l.* In order that there might be no further mistake, he wished again to state distinctly that he proposed to adopt an *ad valorem* duty in all cases, but to modify it so as not to require a different priced stamp for transactions of nearly the same amount; for instance, there would be a certain stamp for transactions of 2,000*l.*, another for those of 2,300*l.*, another for those of 2,500*l.*, and so on, rising by small jumps, instead of taking the exact *ad valorem* duty in each separate case, and that upon the change taken altogether, including mortgages and bonds, there would be a loss to the revenue of from 300,000*l.* to 330,000*l.*

MR. DISRAELI: The right hon. Gentleman had stated that the increase of the *ad valorem* duty on large transactions would be the compensation for the decrease in the small transactions. If so, what was to be done with the 350,000*l.* which he would thus have beyond the surplus he had calculated upon? Now, the right hon. Gentleman talked of a balance upon the whole operation. That phrase balance was a most convenient one; but upon what data was it drawn? They heard nothing of the balance when they were told about the compensation. They were now told that the revenue would lose upon the balance 300,000*l.*; but that was not the original idea of the budget.

The CHANCELLOR OF THE EXCHEQUER had stated distinctly that he increased the duty on the larger, and decreased it on the smaller transactions, and that on the balance he should lose about 330,000*l.*

Mr. GOULBURN did not clearly understand by what means the right hon. Gentleman arrived at that result. He should like to know on what principle he had based his calculation to arrive at the conclusion, that after settling in his own mind the amount of loss which would arise from the decrease of the duty in the smaller, and the gain which would follow from the increase in the larger transactions, there would still be a loss of 300,000*l.* or 330,000*l.* The right hon. Gentleman had taken the loss on mortgages and bonds at 60,000*l.* only, while the rest of the loss he (Mr. Goulburn) presumed was to result from conveyances.

The CHANCELLOR of the EXCHEQUER explained that the great bulk of the loss would be on conveyances, which, from the great number of the small transactions of this nature, he calculated at 230,000*l.*; but, in regard to bonds and mortgages, it was considered that the low amount of duty would induce parties to stamp such deeds in all cases, whereas now the duty was often evaded on small transactions.

Mr. F. MACKENZIE asked in what manner, after the passing of this Bill, it was intended to enforce the stamp duty on large transactions of this nature? Would it not be evaded in the same way as, according to the right hon. Gentleman's statement, it was now on deeds for small sums?

The CHANCELLOR of the EXCHEQUER: It would not be worth while.

Mr. HENLEY wished to know on what data the right hon. Gentleman had arrived at the conclusion, that by changing the mortgage duty from 10*s.* to 5*s.* per cent, he would lose 60,000*l.* From what the right hon. Gentleman had said when he brought forward the budget, he (Mr. Henley) did not gather any indication of the intention to tax annuities and jointures, or that any new head of charge was to be imposed upon the landed interest. But now it appeared, instead of receiving any relief, they were to be subjected to additional taxation.

The ATTORNEY GENERAL thought it would be more convenient to postpone the consideration of the question as to the propriety of taking annuities as consideration money, until they came to the schedule relating to that subject. With regard to the probable loss arising from the alteration of the duty on mortgages, bonds, covenants, and securities, that must be a matter of estimate; but not so as to conveyances, for they could ascertain the actual proceeds of the stamps for those purposes. If hon. Gentlemen would take the comparative statement of the present and the proposed scale of duties in reference to conveyances, they would see that there would be a great saving in all transactions up to 1,000*l.*, the stamp being at that amount a common one in both cases of somewhere about 9*l.* From 1,000*l.* up to 100,000*l.* the duty was much the same under the proposed and the existing system, but beyond 100,000*l.* there was a considerable increase in the new scale. Conveyances of property above 100,000*l.* in amount were, however, of rare occurrence; consequently, the results by way of compensation against the loss in the smaller transactions, arising from them would be very small. The proceeds of the several stamps of 10*s.*, 1*l.*, 1*l.* 10*s.*, 1*l.* 15*s.*, 3*l.* 6*l.*, and 9*l.*, now were 472,548*l.* 10*s.*; the equivalent stamps under the present Bill would produce only, supposing the number of transactions to remain the same, 226,229*l.* 4*s.* 6*d.* If they added to this the stamps on leases for a year, and the following stamps, which were also to be abolished, they could not put down the loss at less than 300,000*l.*; for which the only compensation would be the increase in transactions above 100,000*l.* There would be also a loss on mortgages, deeds, and covenants, but the amount could not be so well ascertained, and must therefore remain a matter of estimate.

Mr. HENLEY thought he had reason to complain, after the explanation they had just heard from the hon. and learned Attorney General, of the conduct of the right hon. Gentleman the Chancellor of the Exchequer. On a former occasion, he had asked for some account of the number of stamps of a particular character which had been issued, and he was told by the right hon. Gentleman that he had searched the Stamp Office, but could not obtain the information required. Now it appeared the Government had it in their hands, and the hon. and learned Attorney General, quoting it, endeavoured to show exactly what the result of the proposed change would be, so far as the stamps on conveyances were concerned.

The CHANCELLOR of the EXCHEQUER said he was in a condition to prove what would be the loss, but not to show what would be the gain—that must remain a matter of estimate. They could tell at the Stamp Office the number of stamps sold, but when sold they could not tell in what manner they were applied, whether for conveyances or mortgages; hence it was that he was unable to afford the hon. Gentleman the information he required. In the calculation he had made he had estimated that two-thirds of the stamps were taken for conveyances, and the rest for mortgages and bonds, but that must be a matter of guess.

MR. GOULBURN observed, that at present the one pound stamp was applied indiscriminately to conveyances and mortgages; but the right hon. Gentleman appeared to have discovered how many were applied to conveyances.

MR. MULLINGS believed that at present the 15*l.* stamp was not applicable to conveyances, but covered a mortgage of from 10,000*l.* to 15,000*l.*, and a settlement of from 12,000*l.* to 15,000*l.*—the amount produced by this class of stamps was 4,500*l.* or 4,600*l.*; the average number of transactions which it embraced being 300. Under the new scale, averaging the transactions at 12,500*l.* each, and taking the same number, 300, the stamp, which would be 62*l.* 10*s.* each, would produce 18,750*l.*, and deducting the allowance to be made for the difference between the mortgages and the settlements, they would be reduced down to a profit of 12,000*l.* on this item alone.

SIR H. WILLOUGHBY thought it was only due to the landed interest that they should know what new taxes it was intended to impose. Would an agreement for a lease require to be stamped? As he read the Bill, he believed it would be liable to a tax under the head of covenants.

The CHANCELLOR OF THE EXCHEQUER thought it would be more convenient for him to give the explanation demanded by the hon. Baronet when they came to the schedule. He might, however, say, that there was nothing in the Bill which could fairly be called a new tax.

MR. BRIGHT thought the House was called upon to go on with the consideration of this Bill in Committee under circumstances of a most unfavourable character. He doubted if there were three Members in the House besides the right hon. Gentleman the Chancellor of the Exchequer who understood the Bill. There was a universal opinion out of doors, so far as he could gather it from the public papers, and from conversing with people who were professionally interested in the question of stamps—there was a universal impression that this proposition, which was to have relieved the country from 300,000*l.* of taxation, would really tend to increase the taxes, supposing the same amount of transactions to take place under this Bill as took place under the existing Stamp Act. He was not a lawyer, and did not profess to be able to understand these matters very readily, but he looked over the Bill when it was first brought in, and must confess that he was much puzzled by it, and the paper which had since been presented with the name of the Secretary of the Treasury on the back of it was, to him, equally puzzling. The question, nevertheless, was an important one; and he did not know what amount of labour and attention the right hon. Chancellor of the Exchequer had paid to it, but it was one of those subjects which required the most careful deliberation on the part of the House. It had struck him for two or three years past, that it would be desirable for the whole question of the stamp duties to be referred to a Commission or a Committee of that House, which beginning at the beginning, and going through the subject to the end, might not only afford information by which they might decide what deeds should be liable to these duties, and the rate at which the *ad valorem* duty (of the justice of which there could be no doubt, he thought) should be levied. The charge on a small transaction of 20*l.* or 30*l.* was but trifling on that system at the rate proposed, but if they followed it up to large amount, it became a heavy tax, and must interfere materially with the conveyance of landed property—a result which he should regard as most injurious, not only to the owners of property, but to the public. If, therefore, the *ad valorem* duty was to be persisted in, he thought it should be levied at a much lower rate than was suggested in the present measure. He had not, however, risen to discuss the merits of the Bill, for he had not made himself sufficiently master of it to do so, but to protest against its being pressed through Committee that night, seeing that much dissatisfaction existed in regard to it out of doors, and that it had but so recently been placed in the hands of Members, that they were not in a position to go fairly into the discussion of the various details involved in a manner satisfactory to the House or the public. He did not say this for the purpose of interposing any objection to the course the Chancellor of the Exchequer had thought proper to pursue, but he could not consent to go into Committee, and to pass the Bill at that rapid pace at which such measures usually progressed without expressing his own opinion that their deliberations would give but little satisfaction to the country, and that the probable result would be the bringing in of another Bill to amend the defects of this. He did not believe that any reduction of taxation would result from the Bill as it now stood, and, though he approved of the principle of the *ad valorem* duty, he thought the rate fixed in the Bill far too high. What he asked for was that more time should be given for considering the measure before they were called upon to pass it through Committee.

The SOLICITOR GENERAL did not think the hon. Gentleman had done justice to himself or the other Members of the House, when he said they found a difficulty in understanding the Bill. All matters of figures were, to a certain extent, complicated; but all the provisions of the Bill were plain and capable of ready explanation; and the hon. Gentleman would find, if he would allow them to go into Committee, that any matters of difficulty which might occur to him or other hon. Gentlemen would be fully explained. If, after going through Committee, hon. Gentlemen should find themselves unable to understand any part of the measure, or the amount of relief it was intended to give, then the objection to further progress would come with some weight; but he had always found that the elucidation of Bills of this nature was much assisted by the discussion in Committee, and the explanations then given, and that in this respect a Committee of the whole House was far more useful than a Committee upstairs. If the measure was referred to a Select Committee, as the hon. Member for Manchester had suggested, a considerable time would be consumed in hearing long statements from one side and the other, and in preparing a report in the shape of a large blue book; but the result would be that at the close of the inquiry they would be much in the same position as they were now. Besides, as he was informed, the forms of the House would not allow of such a proceeding being taken in the present case. With regard to the principle of the Bill, the hon. Member for Manchester, and the country also, he believed, approved of it. No doubt that principle was distasteful at first sight to those who were not conversant with the wants of the small proprietors who would be relieved by it, and who were staggered by the idea that in some very rare transactions, involving perhaps a million of money—which occurred but very rarely indeed—there would be an increase in the stamp duty. He believed there was not more than one transaction in the year, on the average, amounting to 100,000*l.*; and on all below that, down to 1,000*l.*, the duty was nearly the same under the new as under the present scale, while on all below that amount there was a very considerable reduction. As to the manner in which the proposition would affect the revenue, that must remain for the present a matter of calculation; but those on whose judgment the Government could depend, gave it as their opinion that there would be a loss of 300,000*l.* Supposing this to be correct, and that the upper class of proprietors should be taxed by it to the extent of 300,000*l.* more than they were at present, it was clear that the result would be a relief to the amount of 600,000*l.* a year to the lower class. This would be a considerable advantage, not only to the smaller, but to the large porprietors, for that must necessarily be beneficial to them which facilitated the sale of property in small quantities, and so subdivided it amongst a larger class of proprietors. Believing that by allowing the Bill to go into Committee at once, it was more likely to receive emendation than by deferring it, he hoped no further objection would be offered.

MR. MITCHELL did not think it would be just to apply the *ad valorem* principle to mortgages unless the amount of the duty was exceedingly small. The fallacy was that in taxing mortgages, while they supposed they were taxing property, they were taxing debt. Take the case of two men, each having an estate of 50,000*l.*, the one requiring to borrow 10,000*l.*, the other 20,000*l.*, to pay up railway calls) or for any other purpose; the man who required the larger loan, and was, consequently, the poorer man, would have to pay double the amount of duty which would be charged on the one who required to borrow only the 10,000*l.* He thought, if they adopted the *ad valorem* system, if they took it at one-eighth per cent, it would be as far as they could in fairness go.

MR. SADLEIR thought it very alarming to hear the hon. Member for the important, wealthy, and commercial constituency of Manchester express his inability to understand the provisions of a Bill so deeply affecting those whom he represented, and it certainly was in his (Mr. Sadleir's) opinion a reason for postponement; but, at the same time, it was right to tell the Government that the more closely the Bill was examined, the stronger was the opposition to it likely to become. He thought the Bill would be peculiarly injurious to Ireland. There was no part of the kingdom where land was concentrated in the hands of so small a number of persons as Ireland, while, on the other hand, there was the most extreme subdivision in regard to the occupation. They had heard of the advantage of subdivision in the ownership, and the facilities which in that respect the Bill would afford, but it was not to be expected that that result could be effected by a single operation. If such an alteration did take place at all, it would be gradual. Therefore, the Government had chosen a most unfortunate moment for making the proposed alteration—a most unfortunate moment for the creditor and incumbered owner, because the parties who intended to make purchases during the next four or five months in Dublin would calculate the *ad valorem* duty they would have to pay, they would deduct that amount from the purchase money, and they would thus visit an evil upon the puisne creditor. But there was another class of proprietors in Ireland—he meant that large class of proprietors who possibly might be able to preserve to themselves a portion of their properties by effecting voluntary sales without coming within the operation of the Incumbered Estates Act, and upon them this proposed alteration in the Stamp Act would likewise fall heavily; and so far as its high scale of duties extended, that scale would be severely felt. Some of the estates before the commission exceeded 100,000 acres, and one of them was more than 300,000 acres; and however such estates might be broken up, it was clear that they were not likely to be reduced to sufficiently small divisions to come under the advantages held out by this Bill. He begged to acquaint the House that it had hitherto been wholly impossible to obtain the opinions of any class of persons in Ireland with reference to the present Bill. The committee of solicitors in Dublin, who took upon themselves the onerous duty of watching measures of this nature, and who could form a practical estimate of such legislation, had not given their views upon the Bill, so far as he had been able to learn. The commercial clauses in Belfast, Cork, and Limerick had been silent upon it. The landlord and tenant, the mercantile and the banking interest of Ireland, had been unable to communicate their views regarding it to any hon. Member of that House. Under such circumstances, he thought it would not be paying proper respect to Ireland to proceed with the measure; but, at all events, if it were proceeded with in the present stage, he hoped its further progress would be postponed until the Irish Members were afforded time to communicate with their constituents.

Mr. HUME thought that if there was any portion of the community more likely than another to be benefited by the present Bill, it was the people of Ireland. There was very little difficulty in understanding the proposal, if hon. Gentlemen would consult the printed table with which they had each been furnished, inasmuch as that table contained the cost of the stamp for every conveyance or mortgage up to 1,000*l.* The higher amounts were certainly not expressed, and he regretted that such an omission had taken place. He was of opinion that the Committee might proceed with great safety to consider the first, second, and third clauses of the Bill. The first repealed the old Acts; the second enacted the new scale; and the third merely stated certain exceptions. The public press, to whose exertions the community owed a great deal, had been discussing the measure, and the suggestions of the newspapers were now published. The Government had assured the House that the aggregate amount of the general taxation would be less under the new Bill than it would be under the existing law, and therefore the measure ought to be proceeded with at once. He had been making inquiry on the subject at the Stamp Office, and he was there assured that nearly 300,000*l.* would be the decreased amount of taxation in the aggregate. He knew the complaint was, that while the Bill would decrease the cost on small sums, it would increase it on large ones. Now when the income tax was proposed, he moved as an Amendment the reconsideration of the whole Tax Office, but he was left in a very small minority. He was, however, in favour of the present Bill, because it would more equally distribute taxation than was the case at present. He thought the cost of stamps ought to increase when the amount went beyond 1,000*l.* or 1,300*l.*; and let those who sought for a less gradual increase than was proposed above that amount, bear in mind the number of years during which the lower classes had been paying unequally heavy taxes in stamps and other matters. He, therefore, hoped that no time would be lost in allowing the Bill to give that general relief which it was its design to impart.

Mr. CONOLLY thought the consideration of the Bill ought to be deferred till Members were more fully masters of the subject. The readjustment of the stamp duties was a matter of great importance and difficulty.

Lord J. RUSSELL did not see that, if the Bill were postponed for a week, or fortnight, or three weeks, the House would be any further advanced in the consideration of the subject. The objection founded on the condition of Ireland was an objection to the consideration of the Bill at all during the Session, and a proposal to defer the Amendment of the Stamp Acts altogether. Now, the inequalities of the stamp duties upon the transfer of land, and the great hardship inflicted upon the smaller proprietors by the very heavy charge placed upon them, had for many years attracted observation, and had been pointed out in a Committee of the House of Lords; and his right hon. Friend the Chancellor of the Exchequer had, at least for the last year, given his attention to the subject. Very early in this Session it was stated to be a subject to which the attention of Parliament would be directed; and a month ago, in making the financial statement, he pointed out the nature of the measure he meant to propose. His right hon. Friend stated that what he proposed to do was to diminish the duty on the smaller conveyances and on transactions in small properties, and to make a more equable arrangement and distribution of the duties with respect to the larger amounts of property and conveyances. Therefore the principle of the present measure had been for a month under the consideration of the House and of the public. When the resolution was proposed, and the Bill brought in, the subject attracted a great deal of attention, as a matter of course, and his right hon. Friend had received numerous communications and various persons from different parts of the country, and various suggestions had been made to him, and objections offered, which he had endeavoured to obviate as far as possible. Were they to postpone the measure for months, and was there or was there not inconvenience to be expected from doing so? It was well known there was the greatest inconvenience arising from the postponement of measures of this kind, and that many transactions would be put in abeyance by it. Well, then, if there was such a general agreement as to the necessity of the measure, and if the principle was approved of, let the House go into that consideration of its details to which each particular proposal was entitled. Because at present, if one hon. Gentleman got up to speak of mortgages, another spoke of conveyances, a third took up the question of the lower scale of charges, while another hon. Member went into the higher duties. The hon. Member for Bridport made an objection to the measure, which was an objection to the stamp duties exactly as they existed at present. He said, that if two persons had estates of 50,000*l.* each, and that one of them raised a mortgage of 20,000*l.*, and the other a mortgage of 10,000*l.*, the former was a poorer man than the latter, but paid a higher duty. It was impossible for the Commissioners of Stamps and Taxes to say what was the exact estate of any person. They could tell whether he had an *ad valorem* duty on the amount of mortgage, but they could not make inquiry into the amount of his property. Therefore, if the hon. Member's objection was good as to the present measure, it was equally good as to the present stamp duties. For example, in the case of a mortgage exceeding 5,000*l.* and up to 10,000*l.* a stamp of 12*l.* was required—in the case of a mortgage exceeding 20,000*l.* the mortgagee must pay a stamp of 25*l.*, or double the amount of the former, so that, though the hon. Member's objection was ingenious, it was not in fact sound. He hoped the House would go into the consideration of the measure, and consent to take the objections in Committee.

Mr. MOWATT thought it due to the Government to proceed with the clauses of the Bill. The Act would relieve an existing pressure upon small properties, while it would extend a more equitable principle of *ad valorem* duty to large properties. Its grand principle had been apparent to the country for a considerable length of time; and he thought it would be more consistent with the conduct of the hon. Member for Manchester to establish that principle at once, than to seek to retard it.

MR. MITCHELL explained that his objection to the measure arose from this, that it would operate unjustly; the fact being, that even with the reduced rate of increase now proposed, a transaction which in the present state of the law would cost 25*l.*, would by the new measure cost 50*l.*

MR. HEALD thought the Bill would operate disadvantageously in the transfer of some descriptions of property. He was opposed to indefinite postponement; but, without a clear understanding, he would not affirm the principle of increasing the cost of stamps on property of the value of 1,000*l.* and upwards. This proposed increase was exciting jealousy. The country did not require it, and the House did not understand that such would be its effect when first the subject was mooted. He wished to know how much the Treasury calculated the revenue would lose by granting relief in all cases up to 1,000*l.* ?

The CHANCELLOR OF THE EXCHEQUER said, that he had stated a fortnight ago what the probable effect of the Bill would be. Upon all conveyances up to 1,300*l.* it would afford positive relief. Upon all conveyances from 1,300*l.* up to 100,000*l.*, there would be a decrease. Upon conveyances beyond 100,000*l.* there would be an increase. Upon mortgages up to 3,000*l.*, there would be a decrease ; beyond that there would be an increase. The loss to the revenue upon the whole of the conveyances, and upon some of the mortgages, allowing for the increase upon other mortgages, would be somewhere under 300,000*l.* He calculated that the loss upon the whole of the new schedule, which was with two exceptions a relief, would be from 330,000*l.* to 350,000*l.*, but of course this could only be an approximation to the actual loss. Still, this was his calculation. He hoped hon. Gentlemen would urge their objections to the various parts of the Bill when the same were submitted for consideration. If the measure turned out to be so objectionable that it ought not to pass, so let it be, but it was only fair to the House and the country that the objections should be stated and met in the usual manner.

MR. LAW understood that the object of the Bill was to reduce the amount of duty under 1,000*l.*, and that the estimate of the loss to the revenue was based upon that reduction. There was every desire to reduce the stamps under 1,000*l.*, but hon. Gentlemen on his (the protectionist) side of the House did not admire the imposition of an increased burden on sums above 1,000*l.* Mortgages were least able to bear additional taxation, and yet it was now proposed to place a shifting burden on them *toties quoties*.

MR. SPOONER complained that the right hon. Gentleman had not answered the question of the hon. Member for Stockport. The question was, what would the loss to the revenue be supposing there was no increase on the higher scale, while the right hon. Gentleman had told the House what was the estimated loss both upon the reductions and additions.

LORD D. STUART did not know whether the Bill would or would not increase taxation. The right hon. Gentleman the Chancellor of the Exchequer had certainly said that it would decrease it. Whether it would be in the gross a remission of taxation or not, it would be a great remission to the poor people, and he (Lord D. Stuart) hailed the measure as a step in the right direction. He wished the poor and the rich to be taxed proportionably the same amount, and not, as had been the case, and was now the case, that the poor man should pay an infinitely larger proportion than the rich man. When Mr. Cobbett moved his famous resolutions with reference to the stamp duties in 1833, he said he would prove—and he (Lord D. Stuart) thought that Mr. Cobbett had proved—that in many cases the poor man paid forty times as much percentage as the rich man. This was an infamous state of things, to correct which the present Bill had been introduced; and the only fault to be found with it was that it did not go far enough. In 1833, Mr. Cobbett stated, on the subject of mortgages, that if the amount of mortgage was 25*l.* the duty was 1*l.*; and that if it was 2,000*l.*, the duty was 20*l.* The hon. Member for Montrose said this was the law still. Shame that it should be so ! By the present Bill the poor man would only pay twice as much as the rich man, and it was a great improvement that he should pay only twice as much, instead of forty times as much. The Bill was, therefore, right in principle, and its consideration ought not to be postponed. The hon. Member for Manchester took a great interest in the freehold land scheme—a scheme for enabling the poor man to acquire a freehold. Did not that hon. Gentleman think that this Bill would confer a great benefit in lessening the charges on the property which, by that scheme, the poor would be able to acquire?

Alderman THOMPSON said, the best course would be to proceed with the Bill, for it evidently proposed a great reduction of expense to persons making transfers of property not exceeding 1,000*l.* He had now been a Member of the House for thirty years, and Government after Government had periodically promised to bring in a Bill to amend and consolidate the stamp tax, but till the present time no Government had been bold enough to do so. He hailed the Bill, because it was a step in the right direction, but he was not prepared to adopt the ascending scale.

Mr. MULLINGS expressed his belief that the Bill was in an imperfect state, and introduced the principle of taxing transactions which had hitherto been exempt from the stamp duties.

The CHANCELLOR of the EXCHEQUER assured the hon. Gentleman that the Government were ready to listen to any suggestions that might be made on the subject of the Bill, and then to effect in it any changes which fairly could be considered amendments.

Mr. G. SANDARS said, he and his Friends on that side of the House made no objection to the remission of the duty on sums under 1,000*l.*, but they did object to the enormous increase of the *ad valorem* duty above this sum; for instance, the scale of duties and so on, 25*l.* being the maximum under the present law, but increasing indefinitely under the *ad valorem* principle of the proposed law. If this principle were to be carried out, care must be taken to begin the scale low enough so as not to oppress any class, and deal out injustice to the nominally rich, who might require large advances of money on bond or mortgage. The right hon. Gentleman had not answered the question of the hon. Member for Stockport; and he (Mr. Sandars) again asked the right hon. Gentleman what was the estimated amount—reductions under 1,000*l.*—of the proposed scale; he did not ask for the balance of the amount between the decrease and increase, but he asked what was the estimated loss on the decrease alone; as it was the opinion of Gentlemen around him, that the increase in the larger sums would more than balance the decrease on the smaller. Before he sat down he wished to offer a remark on the stamp duty on memorials; as the Bill now stood, this tax upon sums under 100*l.* amounted to a sum equal to that on the deed itself, and was most oppressive on small registries; it was also confined to the two register counties of York and Middlesex, and entailed on those counties unjustly this extra tax on conveyance and mortgages.

ON BONDS OF

	at present was	proposed duties
£1,000	£5	£5
5,000	9	25
10,000	12	50
20,000	20	100
25,000	25	150
100,000	25	500
200,000	25	1,000

ON MORTGAGES.

£1,000	£5	£5
4,000	8	20
15,000	15	75
40,000	25	200

Mr. HUDSON said, that there were some parts of the Bill liable to the strongest objection. He thought it would be better it should be postponed for a week. He was acquainted with many gentlemen of the legal profession, who had pointed out several parts of it that were very objectionable, and if the Committee were postponed for a week, some of these objections might be removed in the meantime.

Clause 1 agreed to.

On Clause 2,

The ATTORNEY GENERAL, in compliance with a request from Mr. Sadleir, stated that all instruments signed before the 5th of July, 1850, would come under the operation of the old law, both as to the stamp duties and the amount of the penalty. He further observed that the 6th clause was prospective.

Mr. SADLEIR said, nothing could be more unfortunate than if it should turn out that the effect of the present measure would be to increase litigation. It was the opinion of an eminent conveyancer in this metropolis, that it would be most difficult to fix the amount of stamp duty payable upon deeds executed before the passing of the Bill.

Mr. ROUNDELL PALMER wished to know whether the exemptions in reference to building societies were to be re-enacted?

The ATTORNEY GENERAL replied in the affirmative.

Clause agreed to, as were Clauses 3 and 4.

On Clause 5,

Mr. HENLEY, speaking as to deeds executed before the passing of the Bill, wished to know what was to be done with them?

Mr. WALPOLE said, that by the Bill all unpaid duties would become Crown debts; and, as they would never cease to exist till they were discharged, no man could tell whether he had or had not a good title to any estate that he might have purchased.

The ATTORNEY GENERAL replied, that if such a necessity existed under the Bill, it would be easy for the party affected by it to go the Stamp Office and ascertain the state of the facts ; but, though an attorney might neglect to pay the stamp duty, that would not affect the title of the purchaser of an estate; the deficient stamp duty would be a debt to the Crown due by the attorney, supposing him to have been paid it in his bill.

The CHANCELLOR of the EXCHEQUER said, that the deed would not be vitiated, or the purchaser rendered liable to any debt, in consequence of the attorney having omitted to pay the duty.

Clause agreed to.

On Clause 6,

The ATTORNEY GENERAL said, that the reason for charging interest at the rate of five per cent upon the amount of the stamp, or of the difference between the insufficient and the proper stamp, where such stamp duty or deficiency should exceed the sum of 10*l.*, in addition to the fixed penalty of 10*l.*, was this: in some instances parties postponed for many years the payment of the proper duty, and, according to the present law, they were liable at any time to the payment of only a 5*l.* penalty. He would state one case by way of example. A gentleman purchased a very large estate, and he had either no stamp, or a very insufficient one, upon the deed. He held the estate for twenty-five years, when he sold it. The proper stamp had then to be affixed, and the duty amounted to 1,000*l.* He paid the penalty of 5*l.*, and thus obtained the interest of 1,000*l.* for twenty-five years at the expense of 5*l.*. It was to prevent such occurrences in future that interest was proposed to be charged until it should equal the amount of the duty or deficiency, after which no more than the full amount of the duty or deficiency, in addition to the 10*l.*, was to be charged by way of penalty. Last year a stamp was affixed to a deed that had been executed in the year 1834.

Mr. SADLEIR objected to the discretion given under this clause to the Commissioners of Inland Revenue to require an oath from parties claiming to have a deed or instrument stamped within twelve months after its execution, that it had not been duly stamped previously, by reason of accident, mistake, inadvertency, or urgent necessity. He thought that the present law, by which sixty days were allowed in Ireland, and forty-two days in England, within which any deed or instrument might be stamped on its mere presentation at the Stamp Office, might be allowed to remain; for experience proved, that whenever oaths might be required, they were always exacted at the Stamp Office. In fact, every possible delay was uniformly given there.

The ATTORNEY GENERAL said, that at present, although six months were allowed in England, and, as the hon. Gentleman had stated, sixty days in Ireland, for the stamping of a deed, after the date of its execution, yet, so soon as the prescribed period had expired, the penalty was enforced. This clause was allowed twelve months, during which, upon proof, by oath or otherwise, so that it was to the satisfaction of the Commissioners of Inland Revenue, that it was through inadvertence, necessity, or otherwise, that the stamp had not been previously affixed, the duty might be paid and the stamp affixed without any penalty being exacted; or the penalty might be lowered, according to the circumstances of the case.

Clause agreed to.

On Clause 7,

Mr. MULLINGS objected to the last portion of this clause, which provided that the deed must not have been signed or executed by any party thereto within the united kingdom when the same was so received as aforesaid from abroad.

Alderman THOMPSON instanced a case where this proviso would be inconvenient. A person died leaving his property to three trustees, one of whom went to South America, and was absent fifteen years. If a deed were sent out to him, this trustee would not be likely to execute it, unless he first saw the signature of his co-trustees attached to it. Great hardship would thus be inflicted if the clause stood in its present shape, and he trusted the Government would adopt the suggestion made by his hon. Friend the Member for Cirencester, and omit this part of the clause.

The CHANCELLOR of the EXCHEQUER expressed his readiness to omit the proviso objected to.

Clause agreed to.

On Clause 8,

Mr. GOULBURN complained that its effect would be to allow a stationer to charge any price he pleased for stamps.

The ATTORNEY GENERAL said that, under the existing law, a stationer was allowed to charge what he chose for all stamps, except receipts. The clause merely proposed to put the latter class of stamps upon the same footing as the others.

Mr. HUME said, that some limitation as to retail price ought to be instituted.

The SOLICITOR GENERAL doubted the practicability of carrying out the suggestion.

Mr. CARDWELL thought that the clause, if allowed to pass, would have the effect of saddling the public with an additional burden.

The CHANCELLOR of the EXCHEQUER said, that the clause was intended to give stationers sufficient inducements to sell stamps, and thus give accommodation to the public.

Mr. HUME thought that some certain allowance should be made to vendors of stamps, instead of leaving them to fix their own prices, and thus arbitrarily increasing the amount of a tax.

The CHANCELLOR of the EXCHEQUER then said, he gave the clause up.

Clause struck out.

Clauses 9, 10, and 11 agreed to.

SCHEDULE A.

Mr. MULLINGS proposed an Amendment. By the present Act a stamp of 2*s.* 6*d.* is imposed on all agreements, but if they contain above 1,080 words, a further stamp of 35*s.* is imposed, and a further stamp of 35*s.* for every additional 1,080 words. This scale of duties was continued in the schedule; and he proposed, as an Amendment, that the progressive duty on each 1,080 words be 2*s.* 6*d.*, instead of 35*s.*

The ATTORNEY GENERAL opposed the Amendment, on the ground that it would entail a considerable loss of revenue.

Mr. MULLINGS believed, on the contrary, it would largely increase the revenue.

Mr. GOULBURN said, he introduced an Amendment into the Stamp Act subjecting agreements to a stamp of 2*s.* 6*d.*, and the consequence was a considerable increase of revenue. He could not say what the effect of this reduction might be; but by reducing the lower stamp to 2*s.* 6*d.*, there had been a very large increase of revenue.

Mr. HUME thought the Amendment a very proper one; it followed up the principle on which the Bill was framed, and did away with the extraordinary leap from 2*s.* 6*d.* to 35*s.* He did not think the revenue would suffer; and if it did, it would be much better to make the reduction proposed.

The CHANCELLOR of the EXCHEQUER said, it would be better if the hon. Member for Cirencester would allow his Amendment to stand over for the present, as no notice had been given of it. He would not estimate off-hand what loss of revenue it would occasion, but he was told it would be considerable. He thought it was not too much to ask that he should have time to examine what its effect would be.

Mr. MULLINGS at the suggestion of Mr. Hume, withdrew his Amendment.

Schedule agreed to.

SCHEDULE B.

The CHANCELLOR of the EXCHEQUER said, he presumed the hon. Gentleman the Member for Cirencester would allow his Amendments to this schedule to stand over in the same way. If the hon. Gentleman would communicate to him his proposals, he would take them into consideration. The duties in Schedule B applied to bonds and mortgages, which were put on the same footing. On the first item, where the consideration was under 50*l.*, the present duty was one-half per cent: he proposed to reduce it to one-fourth. In lieu of 5*s.* he proposed 2*s.* 6*d.*; and in lieu of the next item of 10*s.*, he proposed 5*s.*

Motion made, and Question proposed, "That the Duty be two shillings and sixpence."

Mr. MULLINGS said, that the highest amount of duty by the present scale was 25*l.*; under the one proposed it would go up as high as 1,000*l.*

The CHANCELLOR of the EXCHEQUER said, if the two first items were agreed to, the question of an *ad valorem* duty might fairly be raised on the third—where the sum exceeded 100*l.*, he proposed that for every 100*l.*, or a fractional part thereof, there should be an additional duty of 5*s.*

Mr. GOULBURN disapproved of the application of the *ad valorem* principle in this case; he only approved of it as applied to the raising of revenue. If that principle were adopted, they must take care to begin the scale so low, that the higher duties might not be oppresive. Unless they meant to impose a tax of 600*l.* or 700*l.* on the already distressed owners of large estates in many instances, they must begin far lower than either 5*s.* or 2*s.* 6*d.*; and that would involve a very great loss of revenue. For that reason the *ad valorem* scale had not been adopted in previous statutes. It was for the Committee to determine whether 2*s.* 6*d.* was a proper point from which to commence.

MR. ROEBUCK wished to know why a poor man, wanting to borrow 10*l.* or 100*l.*, should be made to pay a higher duty than the man who borrowed 1,000*l.* or 10,000*l.* Surely the man who wanted to borrow a large sum was just as capable of contributing to the revenue as he who borrowed a small sum; and the small sum was just as important to the latter as the large sum to the former.

MR. GOULBURN said, he had already stated, in an early part of the evening, that the imposition of a heavy burthen on large bonds and securities would place restrictions on the employment of capital in various ways in which it was at present employed most advantageously for all classes. He did not ask that a smaller rate of duty should be placed on large sums than on small ones; but if the amount were heavy, especially in the case of mortgages on factories or shops, the parties might be prevented from obtaining such reduction of interest as they might otherwise secure. It was most desirable that the *ad valorem* duty should be fixed sufficiently low, so as not to oppress the higher class of borrowers, while it gave considerable relief to the lower.

MR. ROEBUCK agreed with the right hon. Gentleman that the same rate ought to prevail from the bottom to the top of the scale, but could not consent to the amount of the latter being made an argument against the *ad valorem* principle.

MR. DISRAELI understood the right hon. Gentleman the Member for the University of Cambridge to say that, if they adopted the *ad valorem* principle, they must take care the first step was a small step, and he thought the principle a sound one.

SIR H. WILLOUGHBY said, he thought the first step too high. Instead of 2*s.* 6*d.* it ought to be 1*s.*; and he would propose an Amendment to that effect.

Motion made, and Question put, "That the Duty be one shilling."

The CHANCELLOR OF THE EXCHEQUER wished to state to the Committee what the law was, and what it would be. At present, on a bond not exceeding 50*l.*, the duty was 20*s.* He proposed to reduce it to 2*s.* 6*d.*, and to carry that *ad valorem* duty fairly up. The present law, beginning with 20*s.* for every consideration under 50*l.*, went as high as 25*l.* for a sum of 20,000*l.* There it stopped; and whatever the amount borrowed might be, the duty did not exceed 25*l.*—whether it was 50,000*l.* or 500,000*l.*, it was still 25*l.* Here the *ad valorem* principle seemed to be quite lost sight of. The man borrowing a large sum was probably the richer man; but this was a circumstance into which the Legislature could not enter. It might be just as impossible to the shopkeeper to borrow 500*l.* as for a large East India house to borrow 500,000*l.*; therefore it would be unjust to tax the former in a higher ratio than the latter. There might be an objection to taxing any bond, mortgage, or warrant of attorney at all; but so long as such matters were subjects of taxation, it seemed fair to carry out the principle of an *ad valorem* duty. No doubt the objection remained that it would be harder, as compared with the existing law, on those who borrowed much than on those who borrowed little; but the only possible principle of an *ad valorem* duty was to impose, not a high, but a low duty. Heretofore everybody had thought the duty of 20*s.* on 50*l.* too high; he now proposed to reduce it 2*s.* 6*d.*; but the hon. Baronet the Member for Evesham said that to make the taxation fair it must be reduced still lower. He must say he thought the argument in favour of the wealthier classes was not very fairly applied; he was in effect asked either to throw up a large portion of revenue—and by his own proposal a very serious amount would be sacrificed—or to put a limit to the *ad valorem* duty.

MR. DISRAELI said, they were now endeavouring, in constructing a new system, to do it on a just basis. The right hon. Chancellor of the Exchequer had put forward the anomalies and monstrosities of the old system, as though the House was responsible for them any more than himself, and as if reference to them were any answer to the objections on the present occasion. He spoke as if there were two interests before the House, that of the rich, and that of the poor. [AN HON. MEMber: So there are.] But their endeavours should be to do justice to both. They had all agreed that the *ad valorem* principle should be carried into effect with due regard to the interests of both; and if it were found that its effect would be, not only to press on those nominally rich, but to throw difficulties in their way, which might be very injurious to the community, the wisest course would be to take up a position in the initiative, which should prevent those inconveniences, and at the same time relieve the poor. He should support the Amendment, if his hon. Friend persisted, as he trusted he would, in pressing it to a division.

Mr. ROEBUCK said, he accepted it as a necessity that a certain amount of revenue must be raised; that was one of the objects of the Bill; otherwise it was one of the most mischievous in the whole series of legislation. Were it supported on any other pretence than that of wanting money, he would meet the whole thing in the face, and declare that there could be no more mischievous mode of taxing the people than this Bill proposed. He accepted it only as a direful necessity, and sought to reduce it to its minimum. If the House took his advice, it would throw the Bill out that instant, and prefer any other mode of raising revenue to this most mischievous interference with the administration of justice. There never was so great a mischief done to justice, so flagrant a bonus to injustice, wrong, and every possible fraud and perjury, as regarded the honest man in this country, as was derived from this Bill. It was a direful necessity. The right hon. Gentleman the Chancellor of the Exchequer said he wanted to raise by it a certain sum; if he would assure the House that he could not raise that sum without beginning at 2*s.* 6*d.*, he (Mr. Roebuck) would accept it; but if it could be done by beginning with a shilling or a penny, let them begin with that. Do not let them talk of rich and poor; that had nothing to do with it. The *ad valorem* principle was now admitted, and it would be a precedent on other occasions; they were not going to get out of it; it should be applied in every other case, as it had been admitted in the Stamp Act. Let the right hon. Gentleman state how much he expected to raise by his duty, and how much less the amount would be if the scale began with a shilling. The Committee had a right to ask him these questions. Let him satisfy them on these points, and they would then go along with him most certainly.

Mr. BANKES said, this question had not arisen out of a dire necessity, but out of a surplus—an extraordinary incident, no doubt—and the question how they were to deal with that surplus revenue had given rise to this discussion. His first impression as to the right hon. Gentleman's proposal was very different to that he now entertained. He had heard nothing of the *ad valorem* principle; but something was said about relief and remission, as applicable to the land. Now they came to the question of an *ad valorem* duty for the first time, but not for the last. If it were admitted, let them be careful how they acted upon it. Let them take care to begin at such a point that there might be no undue harshness in its operation. He admitted the justice of the principle, and he was ready to adopt it in the present instance; but in doing so he thought they should begin with a low scale. With regard to agreement stamps, it would be a great boon if they were done away with altogether, because it was well known that they gave rise to great fraud and perjury in the courts of law. The right hon. Gentleman introduced two measures on this subject which were entirely different, and though the last was a great improvement on the first, it should receive great amendments before he gave his sanction to it. If the hon. Member for Evesham pressed his Amendment, he would vote for it.

Mr. HUME acknowledged that revenue was a matter to be considered in the present instance; but it seemed to him that they might obtain a greater revenue by beginning with a duty of 1*s.* instead of 2*s.* 6*d.* If the duty was very low, people who saved money, and who now put it into clubs where they were subject to frequent losses, might avail themselves of the advantages of insurance offices. The result of the Amendment would be that two or three operations would take place where only one took place at present, and in this manner the revenue might be increased. Let the duty be 1*s.* on 100*l.*, 2*s.* on 200*l.*, and so on, through the whole scale, and he believed the revenue would not suffer in the slightest degree. But even if the revenue suffered slightly, the social advantages which the Amendment would bring with it should induce him to vote for it.

Mr. HENLEY would vote for the Amendment if the hon. Baronet pressed it to a division. The right hon. Gentleman the Chancellor of the Exchequer had told them that evening that he made a reduction of from 10 to 5 per cent, and the loss occasioned by the change he estimated at 60,000*l.* The further loss occasioned by the proposition of the hon. Baronet would amount to only 48,000*l.*, but it was by no means certain that such a loss would result from the proposition of the hon. Baronet. It was not of such great consequence, in any case, that it should stand in the way of cheapening transactions altogether, and taking away the temptation to fraud.

The CHANCELLOR OF THE EXCHEQUER said, that some regard must be had to the revenue, though they were dealing with a surplus. At present the amount of revenue derived from this 1*l.* duty was 201,000*l.* He originally proposed to reduce that duty from 1*l.* to 5*s.* on amounts not exceeding 50*l.*, and now he proposed to reduce it to 2*s.* 6*d.*, which was a pretty large sacrifice. But the hon. Baronet proposed that it should be reduced to 1*s.* Now, the loss which the revenue would sustain by the further reduction he had himself proposed would be between 60,000*l.* and 70,000*l.* a year. This was a very material sum on one item in the schedule.

MR. HENLEY observed that the right hon. Gentleman confined his statement to the single item of the 1*l.* duty; but he forgot that it was an *ad valorem* tax, and that upon the larger amounts there would be a great increase of revenue.

MR. GOULBURN said, there was considerable difficulty in dealing with the stamp laws; but, on the whole, he was disposed to think that, with regard to bonds and mortgages, when the object was to afford relief, it was better to have a duty that was too low than one which was too high. With regard to conveyances, he would say nothing, because where a man was wealthy enough to purchase an estate, it might be considered fair enough that the higher duty should be levied. The only difficulty in his mind was as to the effect the change might have on the revenue; but as only 60,000*l.* of the revenue arose from the duties on bonds and mortgages, he did not consider it an imprudent step to hazardt hat sum, or even 80,000*l.* on a question which affected every man who wished to borrow money to pay his debts or commence business. By imposing a heavy duty on a large amount of transactions, they would give rise to a system of evasion and fraud which no ingenuity of lawyers could guard against. They would only risk a loss of 80,000*l.* by acceding to the proposition of the hon. Member for Evesham, but then they should take into calculation that by reducing the duty they would give rise to a greater number of transactions, which was to be set against the anticipated loss. For these reasons he was disposed to vote for the Amendment.

The Committee divided:—Ayes 164; Noes 135: Majority 29.

List of the AYES.

Aglionby, H. A.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Baillie, H. J.
Bankes, G.
Baring, H. B.
Barrington, Visct.
Bass, M. T.
Beckett, W.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Blewitt, R. J.
Boldero, H. G.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Brooke, Lord
Brown, W.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Carew, W. H. P.
Castlereagh, Visct.
Chandos, Marq. of
Chaplin, W. J.
Christopher, R. A.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, hon. R. H.
Clive, H. B.
Cobden, R.
Cocks, T. S.
Cole, hon. H. A.
Colvile, C. R.
Conolly, T.
Devereux, J. T.
D'Eyncourt, rt. hon. C.
Disraeli, B.
Dod, J. W.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Duncombe, hon. O.
Duncuft, J.
Dunne, Col.
East, Sir J. B.
Edwards, H.
Egerton, W. T.
Ellis, J.
Emlyn, Visct.
Estcourt, J. B. B.
Fagan, W.
Farrer, J.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Forster, M.
Fox, S. W. L.
Galway, Visct.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Greene, J.
Greene, T.
Guernsey, Lord
Gwyn, H.
Hall, Sir B.
Hamilton, G. A.
Harris, hon. Capt.
Harris, R.
Hayes, Sir E.
Heald, J.
Heneage, G. H. W.
Henley, J. W.
Henry, A.
Herbert, H. A.
Hervey, Lord A.
Heyworth, L.
Hildyard, R. C.
Hodgson, W. N.
Hotham, Lord
Howard, P. H.
Hudson, G.
Hume, J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, R.
Kershaw, J.
Lacy, H. C.
Legh, G. C.
Lennox, Lord H. G.
Lindsay, hon. Col.
Locke, J.

Lockhart, W.
Lushington, C.
Mackenzie, W. F.
M'Neill, D.
Meagher, T.
Mahon, Visct.
Mandeville, Visct.
Manners, Lord J.
March, Earl of
Masterman, J.
Meux, Sir H.
Mitchell, T. A.
Moody, C. A.
Mundy, W.
Naas, Lord
Neeld, J.
Newry and Morne, Visct.
Norreys, Sir D. J.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Plowden, W. H. C.
Plumptre, J. P.
Rendlesham, Lord
Renton, J. C.
Roebuck, J. A.
Rushout, Capt.
Sadleir, J.
Salwey, Col.
Sandars, G.
Seymer, H. K.
Smith, J. B.
Smyth, J. G.
Smythe, hon. G.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stephenson, R.
Stuart, Lord D.
Stuart, H.
Thompson, Ald.
Tollemache, J.
Turner, G. J.
Verner, Sir W.
Verney, Sir H.
Vyse, R. H. R. H.
Waddington, H. S.
Walmsley, Sir J.
Walpole, S. H.
Walsh, Sir J. B.
Walter, J.
Williams, J.
Yorke, hon. E. T.

TELLERS.
Willoughby, Sir H.
Mullings, R. R.

List of the Noes.

Adair, R. A. S.
Anstey, T. C.
Ashley, Lord
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, C. L. G.
Blackall, S. W.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Browne, R. D.
Buxton, Sir E. N.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Childers, J. W.
Clay, J.
Clements, hon. C. S.
Cockburn, A. J. E.
Coke, hon. E. K.
Cowper, hon. W. F.
Craig, Sir W. G.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Duff, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Evans, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J.
Fordyce, A. D.
Fortescue, hon. J. W.
Freestun, Col.
Grace, O. D. J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grosvenor, Earl
Hanmer, Sir J.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Heneage, E.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. T.
Hollond, R.
Howard, hon. C. W. G.
Howard, Sir R.
Hutt, W.
Jervis, Sir J.
Keppel, hon. G. T.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Littleton, hon. E. R.
Loveden, P.
Mackinnon, W. A.
M'Cullagh, W. T.
M'Gregor, J.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Monsell, W.
Morgan, H. K. G.
Morris, D.
Mowatt, F.
Mulgrave, Earl of
O'Connell, M. J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Peel, F.
Perfect, R.
Pilkington, J.
Power, Dr.
Power, N.
Rawdon, Col.
Rich, H.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. F.
Rutherfurd, A.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, J. A.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Talbot, J. H.
Tancred, H. W.
Thompson, Col.
Thornely, T.
Towneley, J.
Townshend, Capt.
Trelawny, J. S.
Tufnell, H.
Vivian, J. H.
Wall, C. B.
Watkins, Col. L.
Wawn, J. T.
Willcox, B. M.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyld, J.
Wyvill, M.

TELLERS.
Hill, Lord M.
Howard, Lord E.

The CHANCELLOR of the EXCHEQUER: Sir, I beg to state that, in consequence of the decision just arrived at by the House, it is not the intention of Her Majesty's Government to proceed further with this Bill to-night. I do not wish to be understood as assenting to any proposition implied by that vote — that I am anxious to guard against—but not knowing what the effect out of doors of this vote will be, though I know it will involve a serious loss of revenue, I must take time to consider before further proceeding with the measure.

House resumed.

Committee report progress; to sit again on Monday next.

SECURITIES FOR ADVANCEMENTS (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. J. STUART said, he was really astonished to hear at so late an hour the Motion that this Bill be then read a second time. The avowed purpose of the Bill was to facilitate the operation of the Act of last Session, for the sale of incumbered estates in Ireland. It recited that Act, and purported to be a Bill for its more effectual operation. He thought nothing could be more plain than that, before they proceeded to carry farther the operation of the Act of last Session, the House should be in possession of some information in an authoritative shape to enable the House to judge how far the existing Act had been successful. He (Mr. Stuart) had throughout the entire discussion with reference to the Incumbered Estates (Ireland) Bill, felt that the hon. and learned Gentleman the Solicitor General for England had a right to expect very tender treatment, not only at his (Mr. Stuart's) hands, but also at the hands of the House. He felt it, and the House he doubted not felt it, because that hon. and learned Gentleman was discharging a duty not directly incumbent upon him—because it was properly the duty of the law officers of Ireland to introduce and take charge of measures affecting the administration of the law and the disposal of estates in Ireland. The Irish Solicitor General—for whom he entertained a very high respect—sat there for the purpose of guiding the House in such proceedings by his advice and information. However, they had not heard one word of information from him. Anything more extraordinary, anything more absurd in the course of legislation in that House, was never known or conceived than that an English law officer of the Crown, in presence of an Irish law officer of the Crown, should take the conduct of a measure essentially Irish—and, when asked for information, to enable the House to judge whether the measure were a proper one or not, that that English law officer should confess himself not in possession of the required information. Whether the Irish law officer was in possession of the information remained to be seen. However, lest that hon. and learned Gentleman may not have been aware of what had already taken place in the House this evening, he would repeat to him three questions on the subject which he had already put to his hon. and learned Friend the Solicitor General for England, without being able to obtain any information in reply. The first of these questions was whether any sale—and if any, how many—had been effected under the existing Act? Did the hon. and learned Gentleman know? Could he give any information on the subject? If he could, he hoped he would. Secondly, how many orders had been made by the commissioners for the sale of incumbered estates, but under which orders sales had not been effected? Before putting his third question, he begged to say that the House would hardly believe that this was a Bill which proposed to enable persons to purchase incumbered estates in Ireland, on the terms of paying only half the purchase money; whilst, as to the remaining half, the purchaser was to be under no personal responsibility for the payment. Was ever an agreement for sale of land on such terms heard of? Surely, before so extraordinary a proposal was to pass into law, and before they were called upon to set it down in the Statute-book as regulating property in Ireland, that a man might, under sanction of the commissioners, purchase at any price they might choose to direct the sale to be effected at, and then be bound to pay only one-half of that price, and further, be under no personal responsibility for the remaining half which was to remain merely a charge upon the land; he begged to ask his third question—Had the commissioners been applied to and received any proposal from any person to purchase an estate under their orders on these terms? He paused for a reply to these questions. He also felt he was only doing what was right in asking the House to consider whether they would allow the discussion on the second reading of this Bill to proceed until they were put in possession of some satisfactory information on the points embraced in these three questions. He proposed that the debate should be now adjourned, with the view of its being resumed when the House had sufficient information to enable it properly to understand the present state of matters. He had only to add, in justification of this course, that he had given his hon. and learned Friend the Solicitor General for England, who had taken charge of this Bill, notice that he intended to put these questions; but his hon. and learned Friend, being unable to answer the questions, had put him to move, upon notice, for returns which should give the required information. As a little time must elapse before these returns could be obtained, it was only fair to adjourn this debate for the present.

Mr. HATCHELL said, he was so personally referred to that he felt bound to come forward, even at the risk of postponing any information which his hon. and learned Friend the Solicitor General for England might be able to give the hon. and learned Member for Newark. With respect to the fact of his hon. and learned Friend having the conduct of this measure, whatever might have been intended by that allusion on the part of the hon. and learned Gentleman opposite, he begged to offer this explanation for his own vindication. The Incumbered Estates Bill was originated by his hon. and learned Friend the Solicitor General for England before he (Mr. Hatchell) had the honour of a seat in that House. The subject of that Bill, which was now a statute, was long under the consideration of his hon. and learned Friend, and those with whom he advised in Ireland, at a time when he (Mr. Hatchell) had no expectation of a seat in Parliament. That answer was given on a former night, when the same charge was made from the same quarter, and the hon. and learned Gentleman ought to have been contented with that explanation. The particular Bill now before the House, though introduced after he (Mr. Hatchell) obtained a seat, was engrafted on the former one, and was intended to form a portion of the existing law in relation to incumbered estates. Was the hon. and learned Gentleman aware of that fact? Did he not feel its force as bearing on the hon. and learned Gentleman's observations? If not, he (Mr. Hatchell) must excuse his allusion to him. As the hon. and learned Gentleman had put three questions to him so pointedly, he was certainly surprised that he had not bestowed upon him the ordinary courtesy which, during his short experience in that House, he had observed to be extended to other Members when it was intended to put questions to them, in order that they might not be taken by surprise. He had not received that courtesy, and he had been surprised to discover that his hon. and learned Friend the Solicitor General for England had been apprised of the questions, and that he (Mr. Hatchell) was called upon for the explanation. He put it to the House whether such conduct was just towards himself, or fair in a Member of that House? Now the hon. and learned Gentleman had put three questions. First, he had asked how many estates had been sold under the commission? Had he had notice, he could have stated the number, but under the circumstances he really could not say whether it was 5, 7, or 10. He presumed, however, that the hon. and learned Gentleman occasionally read a newspaper—and the English as well as the Irish journals had given the information which he required. In reply to the second question, namely, what number of orders had been made, he begged to say that in a newspaper which he believed was sent to every Member of the House of Lords and the House of Commons, the orders had been regularly published. As to the third question—whether any one person had ever offered to buy upon the terms proposed to be made the law by this Bill, he would ask the hon. and learned Gentleman, who had charged him hypothetically with not having read the Bill, whether he had really ever read it himself, seeing that he could ask such a question? In the first place, how could any person offer to purchase on the terms stated in the Bill before the Bill passed? And as he (Mr. Hatchell) read the Bill, it contained nothing like what the hon. Gentleman had propounded. He said the purchaser of the estate was to pay only half the purchase money. Now, so far from that being the case, the purchaser had to pay the whole of the purchase money into the Bank of Ireland, and he was then at liberty to borrow half of it on the security of the estate. The hon. and learned Gentleman had—whether intentionally or inadvertently, he could not say—put the case in such a manner, that to ordinary hearers it might appear that the owner was to receive only half the purchase money, whereas, in truth, he was to have the whole. He did not know whether or not the hon. and learned Gentleman was satisfied with these answers to his questions; but he trusted that they were satisfactory to the House, and that when the hon. and learned Gentleman again desired information from him, he would be kind enough to give him notice.

Mr. STUART rose to explain. He had given notice of his questions in the early part of the night to the law officer of the Crown who had charge of the Bill, and he had not conceived it possible that he who was in charge of it was uninformed on the subject to which his questions referred. He had meant no discourtesy towards the hon. and learned Gentleman the Solicitor General for Ireland. One word with regard to the point on which he desired information. [*Cries of* "Spoke!"] He really must explain. The 13th Clause said that the money charged, that is, one-half the purchase money, should not be deemed a debt due from the purchaser.

Mr. HUME hoped that, except some very special grounds were shown, the House would not stop the further progress of the Bill, which appeared to him a very beneficial one, the object of it being to assist the purchasers of property, by not enforcing from them the whole amount of the purchase money, but allowing them a portion of it for the purpose of improving the land.

Mr. M. J. O'CONNELL said, that the

hon. and learned Member for Newark had only proved to the House that he had read the 13th Clause, for had he read the first he would have seen that the whole of the purchase-money was required to be lodged in the Bank of Ireland. Recently property had been sold at six and a half, ten, and fourteen years' purchase, and this was occasioned by the purchaser being compelled to pay up the whole of the purchase money at once, without being able to resort to the aid which would be afforded by this Bill. If the Bill passed, they would find many persons anxious to purchase who now held aloof. He did not see what bearing any of the returns called for by the hon. and learned Member for Newark had upon the Bill. This measure would induce English capitalists to advance money, when they saw they could get clear and serviceable securities.

Sir J. WALSH did not rise at that late hour to address himself to the principle of the Bill; but he appealed to the candour and good feeling of Her Majesty's Government as to whether it was discreet and consistent with the general usages of that House to force on at a very late hour a measure which all admitted to be of very great importance, affecting as it did the sister kingdom, and involving the most important consequences. There was a general understanding that important Bills should not be forced on their attention at a late hour. That evening they had been discussing another Bill up to ten minutes past eleven, which was a very different measure from that before the House; it therefore was not possible that adequate attention could be given to this subject, he therefore hoped the Government would give way.

Mr. ANSTEY trusted that Her Majesty's Ministers would do no such thing—as this, probably, was the best of the series of measures brought forward by the Government for the good of Ireland—it was to be hoped that they would not postpone it for a night, or even for a single hour. It had been stated, that they could not expect the House then to consider the Bill before it; but the objections appeared to be altogether against its details; and if there were any objections to any particular clause, that was not the time to deal with them. The hon. and learned Member for Newark said, he wished to give an effective security to purchasers. What was the argument of the hon. and learned Gentleman last year, when the Incumbered Estates Bill was before the House? He then said, if they required ready money to be paid down for the estates sold under the Act, they would be disposed of for a mere song, and he objected that there was no provision made so as to enable purchasers who might not be possessed of sufficient ready money at the moment to purchase property, to raise it by mortgage; but now, when an attempt was made to do that, the hon. and learned Gentleman said no; let there be no reservation—take care that the whole of the money is paid down. If hon. Gentlemen relied upon their objections of last Session, then they must support this Bill; but if they did not, the course they had pursued was at least—he would not say factious, but very imprudent. The question they had to grapple with at that moment was, whether the measures proposed under this Bill were likely to be simple, clear, and effective. He trusted they would, without delay, read that Bill a second time, and get into Committee within a few days, when it could be fully considered, so that it might pass in as perfect a state as possible.

Lord J. RUSSELL hoped, at any rate, the House would not occupy much more time in discussing whether they should proceed with the Bill or not. Unfortunately, they had got into the custom, whenever a Bill of any importance came on at eleven o'clock, to enter into a long debate as to whether it should be proceeded with or not. The question simply was, whether no Bill should be proceeded with after eleven o'clock, for if that course was adopted, there would constantly be a termination of further business after that hour. At any rate, some determination should be come to on the subject. He thought that Bills might advantageously be proceeded with after eleven o'clock; but if the House thought otherwise let them so determine, but do not go on with a discussion from eleven o'clock to one to decide whether they would proceed with a Bill or not.

Mr. DISRAELI thought with the noble Lord that they ought to proceed with Bills of importance, but there were circumstances which modified that proceeding. This was a question of great importance, on which the noble Lord behind him, the Member for Kildare, had already given a notice. There were many Gentlemen in the House, having connexions in Ireland, who had a right to offer their opinion. There was a general impression that to-night this discussion could not possibly come on. He was unwilling to enter into a series of divisions to prevent the progress of a Government measure. If the noble Member for Kildare made the statement which he was prepared to make, it would lead to a debate till four o'clock in the morning. He hoped that before the debate was adjourned, the House would not fail to notice what had been stated to-night by the hon. and learned Solicitor General for Ireland, that they might fully understand the measure before them when they next came to discuss it; because the hon. and learned Gentleman had stated distinctly that the reason he had not charge of the Bill was, that it was part and parcel of the Incumbered Estates Bill. Let the House recollect the pretence and the ground on which that Bill was taken through Parliament. It was a Bill unexceptionable in many respects, but it was passed through Parliament on the express ground of giving the people of Ireland the means of dealing with land which was not incumbered; therefore, they were dealing violently with property. What had they done this year? They had now passed this year a Bill called a Judgment Bill. By that Bill they had exempted future purchasers of land in Ireland from antecedent judgments. The effect of the Bills would be to do vast injury to the puisne creditors, while the debtor would remain in the same position as if he had done nothing. If that were the case, how could it be expected that these creditors could have any respect for the rights of property? Under the operation of these three Bills, how would the honest man be able to borrow money, having an objection to walk through the court? They had a right to consider the case of the honest man, and he did not think that in this case the Government were acting rightly towards him. He would not go further into the subject, and he would not have made those remarks, but for the purpose of showing the House what the effect of these three Bills taken conjointly would be.

MR. HENLEY hoped the House would not pass without notice the statement made that night by the hon. and learned Solicitor General, in order that they might fully understand the measure now before them when they arrived at the next discussion. The hon. and learned Gentleman had stated distinctly that this Bill was part and parcel of the Incumbered Estates Bill of last year. That Bill dealt, at all events, suddenly with landed property, and this year a Bill called the Judgment Bill had been passed, which must be considered in connexion with these two Bills before the drift of the whole could be understood. These three Bills would enable a man to petition to sell his estate, and throw his creditors overboard. If the Government meant to sanction such a principle, he asked them what respect they considered that these creditors in their turn would pay to the rights of property when in other hands than their own? Would they be very choice about the national credit? Under the operation of these three Bills, what chance had any man in Ireland who did not wish to put his estate through this court and cheat his creditors? How would he be able to borrow money if he wanted it? The case of such a man who wanted some assistance ought to be considered. He did not think that the Government was acting justly to that part of the community of Ireland which, by way of contradistinction, he would call the honest part. However, let the House mark the statement of the hon. and learned Solicitor General, that this Bill was part and parcel of the former Bill.

SIR G. GREY wished to remark that one of two things should be done—they should either discuss the question of adjournment or the merits of the Bill. The hon. Member for Oxfordshire had made a speech on the merits of the Bill, and he would now only wish the House not to take that hon. Gentleman's interpretation of the Bill as the correct one, and to postpone their opinion on the merits of the Bills until they came to their discussion. The hon. Gentleman appeared to charge the Government with offering opposition to the wishes of the Irish Members in wishing to press on the second reading of this Bill. But not a single Irish Member had asked for the postponement of the question. The hon. and learned Member for Newark took from the noble Lord at the head of the Government the chance of addressing his opinions to the House on the subject, which might have enabled them to get through the second reading that night. But now, as it was after 12 o'clock, if it was the wish of the Irish Members or the other Members of the House that they should adjourn the debate on the second reading, of course the Government would yield. The opportunity of carrying through was not lost by the act of the Government, but by the intervention of the hon. and learned Member for Newark.

Mr. M. J. O'CONNELL said, that he was sorry that the Government were obliged to yield to an adjournment of the question. He wished, however, to remark that there could be nothing more unfair than the suggestion made by the hon. Member for Oxfordshire, that Irishmen who were inclined to play the rogue would be served by this Bill. The class whom this Bill would serve was that of the puisne creditors, who would be in a hopeless position if the Bill was not passed, and the honest men who wished to have full control over their property called loudly for the passing of the Bill.

Lord NAAS had intended to move that the Bill be read a second time that day six months, but he was glad that he had yielded to his hon. and learned Friend the Member for Newark, who had made some important observations with regard to it. At that late hour he hoped the House would not ask him to go on with his statement, which would probably lead to some discussion; and he must appeal to the Government to postpone the measure till some future day, when he might have an opportunity of addressing the House when it was less weary than at present.

Colonel DUNNE said, that he came down to the House prepared to support the Amendment of the noble Lord the Member for Kildare; but having heard the objections of the hon. and learned Member for Newark to their going on with the question that night, he thought it would be better to postpone it. In his opinion, the Bill, instead of raising the value of landed estates, would tend to depress it.

The SOLICITOR GENERAL said, he was prepared to leave it to the House whether the debate should be adjourned.

Sir L. O'BRIEN suggested that an order should be sent to Ireland to suspend the sale of incumbered estates until the fate of the Bill was determined,

Debate adjourned till Thursday next.

MEDICAL CHARITIES (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now a Second Time."

Lord NAAS objected to a Bill of this importance being brought in at so late an hour, without some explanation being given. He could not help expressing some surprise that the right hon. the Irish Secretary had not prefaced the Motion by any statement. Medical relief was afforded in Ireland in two modes—by the administration of the poor-law, and the establishment of dispensaries and institutions of that description, which were supported by voluntary contributions. He was anxious to ascertain from the right hon. Gentleman which of these principles he regarded as the most effective and the least expensive.

Sir W. SOMERVILLE said, that his reason for simply moving the second reading of the Bill was, that he understood some hon. Gentlemen intended to object to the principle of the measure, and he was anxious to reserve his observations until he had heard their remarks, otherwise he assured his noble Friend that he would not have made that Motion without a statement. He begged to say that he was anxious that the Bill should be read a second time that night, if possible, in order to enable him to get it into Committee *pro formâ,* for the purpose of introducing a number of alterations. It was perhaps unnecessary to enter at any length into what he might call the demerits of the system existing of medical charities in Ireland. He believed there was no Gentleman who had paid any attention to the subject who was not convinced that it was unsatisfactory in every way; that it was at once unequal and expensive; that the expense, instead of pressing equally on rich and poor, pressed unequally on both. He intended to remedy these evils by appointing a central board, and by placing the expenses on the poor-rates. It was sometimes said that the wishes of Irish Gentlemen were not attended to. Well, he submitted to any Gentleman who was familiar with the subject of medical charities since 1835 if there was one subject upon which a more unanimous opinion had been delivered than that there should exist a central superintendence with reference to medical charities? With reference to the proposed mode of supporting these charities, he assured hon. Members that there was no individual in the House who was more convinced than he was of the necessity of husbanding the resources of Ireland in every possible way, and avoiding, as far as possible, adding a single shilling to the rates of the country. He held in his hand the data and details which had led him to the conclusion that to place the support of the medical charities of Ireland on the poor-rates, would, instead of an expensive, be an economical change, and that even with reference to the hospitals, dispensaries, and infirmaries—or what he might call the permanent charities of Ireland—there would be a saving of at least 20,000*l.* a year. It ought not to be forgotten that a portion of the present revenue of these charities was made up of subscriptions, but which could scarcely be called voluntary. Look at the amount subscribed for the dispensaries, where the contributions of the grand juries were compulsory, and look at the amount subscribed for infirmaries, where they were not. In the former case the subscriptions were considerable, while in the latter case they were of a very trifling amount indeed. He begged the House also to bear in mind that under the poor-rate one-half of the expense would only be paid by the occupying tenant, and the other half by the owner, who might be supposed fairly to represent those who at present paid subscriptions, or who at least ought to have paid them. If he took into account the support of the temporary medical charities in Ireland, which at present fell upon the poor-rates, during the prevalence of fevers and other epidemics, he could not reckon the annual saving which would accrue from this measure at less than 30,000*l.* or 40,000*l.* During the year 1848, the charges which fell upon the poor-rates for the erection and support of temporary fever hospitals and other medical charities amounted to upwards of 80,000*l.* By this Bill, however, it was provided that all the medical officers paid by a compulsory rate under its provisions should be bound to give the medical aid during such epidemics without any fresh payment. He hoped that hon. Members, however, would not look at the question altogether as a question of economy; because there was no question more worthy of favour and consideration than the support of the sick and destitute poor of Ireland. His noble Friend the Member for Kildare had asked him whether he thought the present or the proposed plan the least expensive. He answered, without hesitation, the proposed plan. It might be objected that this was too much of a medical Bill. If that was the case, let it be altered. He believed that a more highminded, honourable, and humane body of men than the medical practitioners of Ireland did not exist; but at the same time he had no desire to consult their interest exclusively in the matter. Believing that the Bill was sound in principle, he hoped the House would be kind enough to allow it to be read a second time, and if there were any exception to the details, they would be considered in Committee.

Sir D. NORREYS wished that his right hon. Friend had proposed to take the second reading of the Bill *pro formâ.* The principle of the Bill, which introduced a general central board, to superintend the charities of Ireland, was one of the most objectionable that could be devised. If it was to be independent of the Poor Law Commissioners, collisions would be sure to ensue; but if not independent, then he did not see why a separate board should be appointed.

Mr. G. A. HAMILTON said, there was but one opinion as to the expediency of making material alterations in the existing system of medical relief; but the Bill as it stood was open to very serious objections. His right hon. Friend proposed himself to introduce alterations into the measure, showing that he did not quite approve of it himself. He, therefore, thought it should be withdrawn, and a new measure introduced, particularly as if the second reading were now agreed to, they would be precluded from discussing its principle.

Lord J. RUSSELL said, hon. Gentlemen would not be deprived of an opportunity of discussing the merits of the Bill by consenting to its second reading, and its committal *pro formâ.* If it was the general opinion, as it appeared to be, that amendment was required, it would be advisable to consent to the second reading, and hereafter to make such alterations in the bill as might be deemed expedient.

Viscount BERNARD thought the question of medical charities of Ireland should be settled as speedily as possible. Great inconvenience resulted from the present anomalous position of those charities.

Bill read 2°, and committed for To-morrow.

METROPOLITAN INTERMENTS.

Sir G. GREY: I rise, Sir, in pursuance of notice, to bring in a Bill to make better provision for the interment of the dead in and near the metropolis. The House is aware that, by an Act passed towards the close of the last Session, the Act 12 & 13 Victoria, c. 111, power was given to the General Board of Health to inquire into the state of the burial grounds in the metropolis and other large and populous places; and they were also empowered to prepare a scheme to be submitted to Parliament to prohibit the practice of intramural interments. In pursuance of the power vested by Parliament in them under the Act, the Board of Health, in the course of last year, instituted very extensive inquiries into the state of the burial grounds in the metropolis and the neighbourhood. They also instituted similar inquiries in certain towns of the united kingdom, and they have prepared the scheme embodied in their report which has been upon the table now for some weeks, applicable to the metropolis and its immediate neighbourhood. The board considered the subject in two points of view, first, in reference to the effect of the existing practice on the public health, and, second, with regard to its effect on the decency and solemnity of burial. At this late hour I shall not think of stating the purport or nature of the evidence collected by the board in their inquiries, which forms the basis of the recommendations they have embodied in their scheme; for that report, I am aware, has attracted much of the public attention, and I believe that those I have the honour to address are perfectly aware of the nature of the mass of evidence collected by the board, and upon which the Bill is founded. I will only read a short passage, in which they give a summary of the facts that have come under their notice. It is from page 50 of the report:—

> "From the replies to queries issued by the General Board of Health, it appears that the number of public and private burial grounds at the present time in the metropolis is 138; but this cannot be taken as the actual number, since a great many parishes have not yet sent in their returns. The total number cannot be less than 200, and is probably somewhat more. There are then in London, situated at various distances from each other, and each differing in extent, 200 centres of more or less pollution, each pouring off unceasingly day and night, its respective contribution of decaying matter, but the whole together, reckoning only the gases from decomposing human remains, amounting, as we have seen, in one year, to upwards of two millions and a half of cubic feet. Whatever portion of these gases is not absorbed by the earth—earth already surcharged with the accumulations of centuries—and whatever part does not mix with and contaminate the water, must be emitted into the atmosphere, bearing with them, as we know, putrescent matters perceptible to sense. That these emanations do act injuriously on the health of the people resident in the immediate neighbourhood of the places from which they issue, appears to us, by the evidence that has been adduced, to be indubitably established. From the law of the diffusion of gases, they must be rapidly spread through the whole of the atmosphere that surrounds the metropolis; and though they thereby become diluted, and are thus rendered proportionally innocuous, yet that they do materially contribute to the contamination of the air breathed by two millions of the people, cannot, we think, admit of any reasonable doubt. We submit, therefore, that a case is made out for the total prohibition of interments in the metropolis, on account of the injury resulting from the practice to the public health."

I will now proceed at once to consider the general recommendations of the Board of Health. The substance of their recommendations is the prohibition of intramural interments within the metropolitan district, and in consequence thereof a complete change in the existing practice of interments. The Board of Health adopt the principle of appointing a board or commission, specially charged with the executive authority requisite for the accomplishment of this object; and they enumerate the duties with which that board or commission should be entrusted. The Bill is based upon their report, although it does not follow the recommendations of the board precisely in all their details; but it will be sufficient on this occasion to state shortly the main provisions of the Bill, reserving for future consideration mere matters of detail. It is proposed, then, in the first instance, in accordance with the recommendation of the Board of Health, that a district should be formed, to be termed "The Metropolitan Burial District." The parishes to be comprised in this district will be enumerated in the schedule, and they constitute, for the most part, the district already known as the Registrar General's London District, with the exception of some few outlying parishes which it has not been thought necessary to include within the provisions of the Bill. For this district it is proposed burial grounds shall be provided, under the control and management of the board charged with the execution of the Act, who shall also be authorised to fix the fees and payments to be required upon all interments. It is further proposed to give power to the board to take, under agreement, or otherwise by purchase, any of the cemeteries in the district, with the view of shutting up those which may, upon inquiry, appear unfit to be continued as places of interment, but with regard to the others making use of them as burial grounds under the provisions of this Act. A portion of every such burial ground is, as is the practice now, to be consecrated and provided with a suitable chapel for the performance of the funeral ceremony, according to the rites of the Church of England; and other parts of the ground are to be appropriated to the interment of persons of other religious denominations. A power will be given to set apart portions of these burial grounds for any denomination of Christians who, upon religious grounds, may require a separate place of interment. After one or more places of interment have been provided, it is proposed that power should be given to the Queen in Council to order burials in churchyards and other existing places within any portion of the district to be discontinued, subject to any exceptions which, due regard being had to the public health, may be expedient; and this prohibition may be extended from time to time until interments are discontinued throughout the whole district, with such saving rights as to family vaults, regard being had to the public health, as may be deemed necessary. It is also proposed that the inhabitants of any parish of which the burial ground is closed, shall have the same right of interment in the new cemeteries as they had in the parochial burial ground: and in order to provide for the natural wishes of persons to be buried near the bodies of their own relatives, power will be given to remove, without the expensive process called a "faculty," bodies from the intramural places of interment into the new grounds. Power is also given to provide in each district houses for the reception of the dead previous to interment, in order that the poor may not suffer in their health and comfort from continuing the dead in the rooms occupied by the living. One great practical difficulty felt with regard to framing provisions for extramural interments, was that of placing the poor in the same position with regard to burial grounds at a distance as they were with those that were near; and in order to remove that difficulty, it is proposed to empower those who choose to avail themselves of it to inter in these burial grounds at specified and moderate rates. A large portion of the income of some of the London clergy has been derived from fees upon burials; and justice requires that compensation should be given, both to them and other official persons for the loss they will incur by the measure. With regard to the clergy, regard will be had to any diminution of the expense now incurred by them on account of the duty from which they will be relieved, and provisions will be introduced for settling the compensation upon equitable terms. Looking at the large amount which some of the clergy have derived from these fees—in some cases they have formed nearly their whole income—it has been thought necessary to continue the compensation beyond the term of the existing incumbencies, as, in several parishes, if this were not the case, the clergymen would be left without the means of support; but in all cases a power will be given of revision from time to time. With regard to the clerks and sextons, compensation will be given during the tenure of their office. It is expected that the receipts from fees and payments on account of the numerous interments from the metropolis, will fully cover all the expenses; but it will be necessary to make some provision for the immediate purchase of burial grounds and other expenses. Power will therefore be given to borrow money upon the security of the fees and payments, and of a rate which the board will be authorised to make, not exceeding the annual amount of one penny in the pound, in the event of the fees and payments proving insufficient for the whole expenses. With regard to the parties who are to execute the Act, the Board of Health have recommended that this power should be entrusted to a board specially constituted for the purpose; but there are obvious objections to the creation of a new commission, unless some indispensable necessity can be shown for it; and it has been thought by the Government that the Board of Health are fully competent, and that they are upon the whole the best body to carry the Act into effect in the first instance. It is, therefore, proposed that one additional paid member should be added to the board, it being conceived that with this addition and the appointment of such subordinate officers as may be required, they will constitute a body fit for the direction and control of interments throughout the metropolitan district. The House, however, is aware that the Board of Health has only a temporary existence. It will expire, unless renewed, on the 1st of August, 1853, and if not then continued, the duties to be performed under this Bill must be discharged through some other agency. Before the expiration of that period, the subject must come under the attention of Parliament. I have now stated the main provisions of the measure as briefly as I could; but I trust I have said enough to induce the House to assent to the Motion I have to make for leave to bring in the Bill. I cannot, however, sit down without expressing the sense I entertain of the ability and efficiency with which the Board of Health have discharged the duties imposed upon them by Parliament, and of the value of the information they have collected and embodied in their report. The public, I think, are especially indebted to my noble Friend the Member for Bath, who, as an unpaid member of the board, within my own knowledge, has devoted most assiduously many months of valuable time to these duties, under circumstances, which, we all are aware, occurred last year, involving peculiar responsibility and anxiety, and who still is devoting his time and attention to the various and important duties with which the Board of Health is charged, and which they are performing with great benefit to the public. I shall conclude by stating my cordial concurrence with the hope expressed in the closing paragraph of the report of the Board of Health, that their inquiries, and the recommendations founded upon those inquiries, may eminently conduce to the public health, by leading at no distant period to the abolition of what they justly term "the great and growing evil" of intramural interments.

Mr. LACY had no intention of offering the slightest opposition to the Motion, of which he approved; but he wished to know whether the Government supposed that the estimated total annual expense of 112,000*l.*, would be defrayed by the fees without the rate?

Sir G. GREY said, that was a matter of detail, but he was not prepared to say what sum would be required. The rate would only be levied in case of the fees and payments proving insufficient.

Lord ASHLEY said, that the Board of Health did not anticipate any call upon the public, in the shape of a rate, for they believed the fees and payments would be adequate to meet the expenditure.

Sir B. HALL was extremely thankful to the right hon. Baronet for this Bill, which he hoped would become law quickly. There was one board in London, the Commissioners of the Metropolitan Sewers, who had annually large sums of money passing through their hands; and he believed they had no power to order their accounts to be laid before Parliament. They were unaccountable. He suggested that a clause should be introduced into the present measure to avoid this mistake, and requiring the accounts to be rendered to Parliament annually.

Sir G. GREY said, provision was made for a report of the board's proceedings and an abstract of their accounts being annually laid before Parliament.

Mr. WYLD suggested that a provision should be introduced into the Bill to repeal the post-horse duty upon hearses.

Leave given.

Bill ordered to be brought in by Sir George Grey and Lord Seymour.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, April 16, 1850.

Minutes.] *Took the Oaths.*—The Lord Gardner.
Public Bills. — 3ª Brick Duties; Exchequer Bills.

NAVAL ASSISTANT SURGEONS.

The Earl of HARDWICKE presented a petition from Leicester, for the adoption of measures enabling naval assistant surgeons to acquire an extended knowledge of their profession. The noble Earl said he could not support the prayer of the petition. He regretted that the subject of the better accommodation of assistant surgeons in the Navy had been brought before the House of Commons as a distinct Motion, because it was a question of pure detail, which Her Majesty's servants at the Admiralty had the best means of deciding. He contended that no comparison could be justly drawn between the services of the assistant surgeons in the Navy and those in the Army. The petitions which had been presented on this subject would, if their prayers were conceded, interfere essentially with the discipline of the Navy, and especially with that portion of it which was best known by the name of quarter-deck discipline. If he could choose that part of the ship in which he should most like to dwell, it would be the very part in which the midshipmen and assistant surgeons were now located; for it was lower down in the water than the gun-room, and was warmer in cold, and cooler in warm, climates. He humbly submitted that the public were not acquainted with the bearings of this question, and hoped that Her Majesty's Government would pause before it consented to make the alterations now called for, even though those alterations had obtained the sanction of a favourable division in another place.

The Earl of MINTO observed, that the noble Earl had added greatly to the services which he had already rendered to his country and to his profession by the remark which he had just made. The public was acting in gross ignorance upon this subject. He regretted, with the noble

Earl, that such questions should be discussed in either House of Parliament. The same arguments which were now employed in favour of the assistant surgeons in the Navy, would apply with greater force to the case of mates; for they, like the assistant surgeons, had a severe examination to undergo before they could be advanced another stage in their profession, and, therefore, wanted additional accommodation for study.

Petition ordered to lie on the table.

ADVANCES TO DISTRESSED UNIONS (IRELAND).

The Marquess of **WESTMEATH** observed, that the noble President of the Council was aware that in another place a proposal had been made and adopted, that the payment of certain advances made to certain distressed districts in Ireland should be allocated over forty instead of twenty years, as was originally intended. He wished to know whether the noble Marquess could inform him whether the advances made under Mr. Labouchere's letter were to have that privilege of time extended to them or not?

The Marquess of **LANSDOWNE** believed that all the advances were to be considered as consolidated into one, and that they were all to have the benefit of the same extension of time. He would, however, inform himself more accurately on the subject, and then give the noble Marquess the information he required.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 16, 1850.

PAPER DUTY.

Mr. M. **GIBSON** said, before entering upon the subject of the particular Motion he was about to submit, he thought it would be right to make a few preliminary observations, in order to explain to the House why he had thought it necessary, entertaining the views he did of the whole subject, to submit that Motion in its present form of separate resolutions; to explain also, clearly, the way in which he wished the Motion to be put and to be understood by hon. Members; and likewise to explain how he could reconcile it to his sense of public duty to move for what some might consider rather a large reduction of taxation, after the reductions which had been already made for the year. With respect to the last of those points, and in reference to the difficulty which hon. Gentlemen who entertained any project for reducing taxation naturally felt in putting it forward after the financial arrangements of the year had been completed, he wished to say that if Members of Parliament were to wait, previously to asking the House to express an opinion on the quality of any particular tax until there was a clear surplus, and no way pointed out to which the surplus was to be applied, he should much doubt whether any opportunity would occur at all of submitting a policy of reduction to the House. At all times Governments wanted as much as they could get. There was no moment at which the expenditure of the country would not be found equal to its revenue; and if another state of things was to be waited for, the opportunity would scarcely ever arise when an independent Member of Parliament would find a fitting opportunity to discharge his duty by raising the question of reducing any part of the taxation. In 1842 the right hon. Baronet the Member for Tamworth, whom he saw opposite, entered power with a large deficiency in the Exchequer, and the expenditure of the country exceeding the income. But that did not deter the right hon. Gentleman from treating taxation as a matter of policy, and so making his financial arrangements that without the least impairing the public revenue, he was able to repeal many taxes which pressed upon industry, and upon trade and manufactures. Therefore, as a matter of principle, and without reference to the fact whether or not in arithmetical figures surplus money was idle in the Bank of England, he was entitled to raise this question of taxation as a broad matter of policy, with a view to ask the opinion of the House whether any particular tax was to be contemplated as a permanent part of the taxation of the nation. This was the spirit in which he wished to submit his Motion to the House. He asked no Gentleman to do anything rash, neither did he himself desire to do anything rash with the public finances. It had been said, indeed, that a new school of repudiation was arising among them. If that were so, he was not a member of that school. He only desired that they should examine the incidence of taxation, and the consequences of the particular modes in which the revenue was raised, with the view to ascertain if a financial arrangement could not be made of such a character as would enable the public revenue to be kept up without preventing the diffusion of knowledge, or pressing unduly upon any trade or manufacture of the country. That was all he asked. He did not ask hon. Gentlemen to declare by a vote that the paper duty was from that moment to cease. He only asked them to declare that such financial arrangements should be made as would enable Parliament to repeal the excise duty upon paper. He asked them merely to state whether they thought that such a tax should remain a permanent source of the public revenue? He was not departing from the legitimate functions of a Member of Parliament in asking this. Those resolutions, although they were headed by a preamble, would be put to the House separately, and he did not presume to ask any hon. Member to vote for all those resolutions as one Motion of his own. All he did by submitting the Motion in its present form of distinct resolutions, was to declare his own opinion that each and all of the taxes therein mentioned ought to be repealed; but while that was his own opinion, he only asked each hon. Gentleman to vote for each resolution as it stood. He did not wish hon. Members to adopt all the resolutions, if they could not do so consistently with their own opinions. For example, if any hon. Member had scruples against a repeal of the stamp duty on newspapers, he might vote against the resolution proposing that repeal, but he would not thereby be precluded from voting for a repeal of the duty on paper if he deemed that repeal expedient. So, on the other hand, any hon. Gentleman who was against the repeal of the paper duty might be disposed, and would not be precluded from voting, if he thought proper, for a repeal of the duty on advertisements. He wished to explain this position clearly to the House before making the Motion, in order that every Member might know to what extent exactly he would stand committed by the vote he might give. Any hon. Member might vote for all four of the resolutions, or for only one of them, and against the other three. He only asked that an opinion should be expressed on each separate conclusion. The resolution which stood first on the Motion was, "That such financial arrangements ought to be made as will enable Parliament to repeal the excise duty on paper." That duty yielded a revenue of something like 800,000*l*; but if the amount supposed to be paid by the State itself in duty upon the paper consumed in all the public departments, and of which there was no return, but which might be about 20,000*l*. or 30,000*l*., were deducted from the gross sum, the balance remaining as the amount of paper duty might be estimated at 750,000*l*. If the duty on paper were considered simply in reference to its effects upon an important manufacture, he thought that would be found to be a convincing cause for taking the repeal of the duty into earnest consideration. Without reference to the more immediate object of his Motion as regarded the effect of these duties in impeding the diffusion of knowledge, he would call the attention of the House to the effects of the duty upon the paper manufacture itself, as a branch of manufactures, and upon the employment of labour; and also to some considerations of a commercial character, not perhaps immediately connected with the diffusion of knowledge. He held it to be fatal to any tax if it could not protect the honest trader from the fraudulent trader. He would ask the right hon. Gentleman the Chancellor of the Exchequer, or any experienced Member on the other side of the House, whether he would undertake to say that it was in the power of the Government, by any device they could adopt, to protect the honest manufacturer of paper, and give him a chance in competition with the contraband dealer in the market? Why, then, what a monstrous thing it was, if the Excise failed to protect the honest dealer from those who evaded the duty, that a tax should be continued, the operation of which caused so flagrant an injustice. That position alone was sufficient for a repeal. In the articles of wines and spirits, the competition of the honest dealers in the trade against the smugglers, was as nothing compared with the competition between the regular and the irregular dealers in the paper trade. A list was published last year of the names of a number of men of large capital who had been fined, some, he believed, imprisoned, upon proceedings against them by the Board of Excise, for carrying on a systematic violation of Excise law. But in order to protect the honest from the fraudulent manufacturer, what was done? Recourse was had to a system of vexatious interruption with all the affairs of a manufacturer of paper. The State was obliged to have recourse to this inquisitorial interference, to an extent probably unparalleled in Algiers, in order to protect, in some small degree, the honest manufacturer from the unfair competition in the market of the fraudulent. He would quote evidence to show the way in which it was necessary to interfere with the manufacture of paper. Mr. Baldwin, a manufacturer near Birmingham, said—

> "It costs me in labour alone to help to charge myself with the duty on paper, about 100*l.* a year. I make about twelve tons per week; and in consequence of these excise laws have to weigh every ream four times over, besides taking the number of every ream, and writing the weight on each. There are seven or eight pasteboard-makers in Birmingham, all of whom, I believe, do not pay 50*l.* a year duty, while the time occupied by the exciseman and supervisor in charging them with this amount, costs the country five times that amount."

It was alleged that this was not interfering with the processes of the manufacture, but it did so interfere, because regulations in respect of the materials of the fabric, as to whether they were to be used in a wet or dry state, had been laid down, and practically unfair competition had arisen from that source; for a certain manufacturer had invented a method of using the materials in a dry state, by a process which, if it did not produce the best paper, produced something which did not come under the Act of Parliament or the Excise regulations. A compromise was entered into with this man; but he found out some other expedient, and, under the name of felt, produced an article from other materials, and in other ways which did not fall within the laws relating to paper, and yet answered every purpose of paper. It might be argued that these facts applied, and had been applied, to other manufactures besides paper. That might be so; but he was not on that account to be deterred from mentioning these points, as reasons for the House taking into consideration the effect of the excise duty on paper upon the manufacture of the article, and upon the employment of labour. He would ask hon. Gentlemen opposite, interested as they were in the employment of rural labour, to consider how materially the prosperity of the paper manufacture was connected with the full employment of labour in many agricultural districts. The manufacture of paper was, perhaps, the only rural manufacture that we had. Paper mills were spread over the rural districts in many counties of the united kingdom, and employed a large amount of labour; and if it were the tendency of the excise duty to limit the number of those mills, to limit the production of labour, and to limit the export trade in paper, and if in producing those results it lessened the employment of labour in the rural districts, causing an increase of poor-rates, surely it became a legitimate question for Members of that House, who turned their attention particularly to agricultural prosperity, to consider whether it was not possible so to regulate the finances as to get rid of this paper duty, which operated so prejudicially to their interests. Looking to the number of uses to which paper was applied, direct and subsidiary, he supposed that there was no article, for its amount and value, which employed more manual labour of men, women, and children in all parts of the united kingdom. Mr. Crompton, a large paper manufacturer, and a gentleman of great experience, had made calculations upon the point, and he said that the repeal of the paper duty would employ 40,000 persons, men, women, and children, in London alone. Then came, as regarded the employment of labour, the consideration of all the collateral matters with which the paper manufacture was more or less connected, as, for example, the printing and publishing trades. Upon this subject, also, Mr. Crompton was well informed, and he stated that a single newspaper consuming as much as 3,000*l.* value in paper in a year, employed labour to the amount of 15,000*l.* a year. What considerations could be more important than these, when we had arrived at a state of society in which we were exporting our female population because women could not find the means of earning their daily bread? It was in this very manufacture of paper that females were employed. And when we did this—when we exported our female labour—if we were right in doing so at all—should it at least be done before some effort had been made to remove those obstacles to the employment of female labour which were mainly instrumental in bringing about the very evils we deplored? Upon these grounds alone—the interference of the Excise with the employment of labour, and with the success of manufactures—he appealed to the House whether a *primâ facie* case did not exist against the continuance of this tax. There was no reason why we should not manufacture paper for any country in the world; but at this time our own colonies, Canada and others, took their supplies of paper from France, from the United States, from Germany, rather than from the manufacturers of this country, who could not produce an article for a different market from their own by reason of the vexatious interference and regulations by which they were embarrassed. True, it might be said that they got a drawback, but that drawback was by no means adequate to the expenses and difficulties imposed upon them by the excise regulations. No increase was seen in the exports; and if he might judge from the amount of the drawbacks, which was pretty much the same as it had been many years ago, our export in paper seemed to be stationary. It was obvious, that if there were not something sapping the root of our paper manufacture, great as our facilities were for its production, we should see in that commodity an increase of export corresponding with that which had appeared in the other branches of our manufactures. But the particular view he took of the operation of the paper duty was the effect of it in preventing the diffusion of knowledge among the great body of the people. He hoped he should not be told by the right hon. the Chancellor of the Exchequer, or by the noble Lord at the head of the Government, if he should condescend to give his opinion, that, if he took a novel at a guinea and a half, or a work like M'Culloch's *Commercial Dictionary*, at 50*s*., upon which the duty paid would amount only to sixpence, that such a small matter was not worth consideration. But if that argument were used, it would not in any way touch the case he was presenting to the House, as regarded the effect of the duty in preventing the spread of cheap instruction through the great mass of the people, and in thwarting the great educational efforts that were being made at the present time, both by Parliament and by private individuals. It was not a question of a high or a low duty upon a particular work or book, but how far the amount of this duty prevented men of capital from undertaking the prosecution of a work, the success of which depended upon a large circulation, leaving but a small profit upon the sale of any particular copy. That was the description of literature on which the interest of the question rested, for that was the only kind of literature which reached the people. It was that extensive circulation which caused a large quantity of paper to be consumed, and it was upon that particular class of works that the pressure of the duty operated with the greatest severity. He could not, however, set forth this branch of the question better than by quoting the words of Messrs. Chambers, of Edinburgh, who had forcibly described the manner in which this duty retarded and injured the diffusion of knowledge among the masses of the population, in a petition which they presented to the House during the last Session. It was signed by W. Chambers and R. Chambers, and bore date June 9, 1849. [The right hon. Member here read a long extract from the petition, in which it was stated that they, as publishers, had abandoned a work which had reached a sale of 80,000 copies, which, if there had been no paper duty in existence, would have remunerated them highly by a continuation.] This petition he characterised as a very important statement. Some hon. Gentlemen, had doubtless, seen also a very able work by Mr. Charles Knight, called *The Struggles of a Book against Excessive Taxation*, in which he gave a history of the *Penny Cyclopædia*, in illustration of these struggles. Now this penny publication—this little work—was intended for the instruction of the poorer classes; and how much hard cash did the House suppose Mr. Knight said he had paid upon it in duty to the revenue? No less than 16,000*l*. And how much had the cost of the paper been enhanced to Mr. Knight by the effect generally of the tax? He said in his pamphlet that it was no less than 30,000*l*. or 32,000*l*. Thirty thousand pounds! Why, what an enormous sum was this to be exacted as a fine from a man before he could be at liberty to spread through the community that inestimable blessing of knowledge, which, according to Sir Henry Parnell, formed "the raw material of social improvement among the great masses of the working people of this country." Talk about the efforts of the Church and of the Dissenters in the cause of education—talk of the small modicum of help which was doled out to different schools when a fiscal exaction of this kind was maintained, which did incomparably more harm to the cause of education than the utmost efforts for its promotion had effected of good. But he would quote from Mr. Knight's pamphlet this broad fact, that during the last twenty years he had spent 80,000*l*. in copyright and literary labour, and in the same space of time the sum of 50,000*l*. in paper duty, in order to enable him to give to the world the benefit of that editorial and literary labour. Here, then, was a tax upon capital and a pressure upon the industry of talented men, that was not to be equalled in any part of the tariff, whether of Customs or Excise, and involving in it a fine of something like 50,000*l.* to the Government for paper duty. It placed the question in a striking point of view when the small items were thus collected in one great aggregate sum; thus showing its influence in preventing the spread of knowledge. It was of no use to talk about the small amount of the duties on expensive works. The only way to look at the question was the way in which the duty operated in impeding the progress of knowledge among the poorest classes, who could give no more than a very small sum for the knowledge they wished to obtain. Then there was the case of the *Working Man's Friend*, a publication, the proprietor of which had told him that before he paid wages for labour he must pay 1,000*l.* a year for paper duty, for the paper he required for the work. What was this but an enormous fine? It was no answer to say, that though these were large amounts for the manufacturer to pay, he got them back from the consumer. He denied that to be the fact; for the manufacturer knew that, unless the work sold to a certain extent, it would not pay him, and, knowing that, he was often debarred from the hazard of the undertaking, and the community were thus deprived of the work which would otherwise have been issued. But even in the more expensive class of works the duty increased the expense of publication; for how did a bookseller know how the work would sell? Say he calculated on a sale of 1,000 copies. He paid duty upon every volume, upon every copy sold or unsold, and if he only sold 100 or 200 copies, he had to suffer the loss of duty upon those copies which had been consigned to the trunkmaker or the cheesemonger. This argument had been quoted before, and by every one who had written upon the subject. The Commissioners who had inquired into the question of Excise, had stated that it was a great injustice to make a publisher pay duty to a large amount on books which he had not sold. The dealers in gin, brandy, and tobacco were not so treated. They were allowed to bond their goods, and to delay payment of duty until they sold them. But when the publishers of books were dealt with, it seemed to be the rule to press upon them with a reckless spirit of injustice. Why? Was it because they were a class which could not produce an effect in that House through the medium of elections? Was it because the paper manufacturers were scattered over the country, a small, and, perhaps, not very powerful class, politically speaking, that the obvious and plain principles of ordinary justice were neglected and superseded in their case, which were so carefully remembered in the case of that important and powerful interest in the towns—the dealers in gin, and brandy, and tobacco. But, even if the tax were retained, it ought to be imposed with some shadow of common fairness. The duty ought, at least, not to be imposed upon the whole impression of a work which had not been sold, and the incidence of the taxation should not be such as to discourage literary undertakings. He had now stated the grounds upon which he thought this duty on paper highly prejudicial to the progress of knowledge among the great masses of the people; and he had stated, also, the grounds upon which, as a trade question, it was a tax against which the strongest objections could be urged, and upon both those grounds he called upon the House deliberately to consider whether that duty should continue to be a permanent part of the taxation of this country. The Committees which had inquired into the subject had, without exception, recommended the repeal of this duty; the Committee of which Sir Henry Parnell was chairman, had recommended it. The Committee of the hon. Member for Dumfries, also; and the Commission for inquiring into the Excise duties—one and all of these had contemplated or recommended the abolition of this tax upon paper. It ought then to have followed from this fact—and he could not help thinking that it would have followed, had the right hon. Baronet the Member for Tamworth been in office—that, in common with the duties upon leather and other articles, the duty upon paper should have been repealed. He feared he was wearying the House, for this was a question not so interesting or exciting as party politics; but with reference to his first resolution, he appealed to the Government to find some other tax as a substitute, so as to permit this repeal. He should not presume to suggest any substitute, and for this simple reason—that he should not thereby impeach the fertility of the resources which his right hon. Friend the Chancellor of the Exchequer must possess. He would rather leave it to the Government, feeling assured, if the House of Commons should declare that a duty of this kind was so detrimental to trade and to labour—so injurious to the moral and intellectual welfare of the people that it ought to be repealed, that then the Government would at no distant period come forward with some financial arrangement—some budget—which should include the repeal of the paper duty.

He now came to the Stamp Duties upon Newspapers; and he intended to propose that the House should resolve it was expedient to abolish the stamp duties upon newspapers. He might be permitted, he believed, not to consider this as entirely a question of revenue. Some years ago a noble Lord, then at the head of the Government—he meant the late Lord Melbourne—expressed a hope that there was no man who could think him capable for a moment of putting this question upon so mean and narrow a foundation as that of revenue. The noble Lord said—

> "I view the stamp upon newspapers simply in reference to its effects upon the habits and feelings of the people; and it is in that spirit I should deal with it, and not in the spirit of revenue."

But what was the amount of revenue given by the stamp tax upon newspapers? About 350,000*l.* or 360,000*l.* per annum, and no more. Hon. Gentlemen had said that newspapers had some privilege in recompense for the stamp, as they were carried by the post for nothing; and that in return for this postal privilege they might fairly be expected to pay a sum of 350,000*l.* or 360,000*l.* a year in stamps. Well, he did not propose to alter in the slightest degree the postal part of the question; he left this part of the matter precisely as it stood, if the House were satisfied; the ground and arrangement of it being, that when a paper went by post it should pay stamp duty, as it did now; but when it did not go by post there should not be a compulsory stamp imposed upon it. Let those who used the postal service pay for it; but do not tax those for it who did not use the service of the post. This principle had indeed been adopted by the Government themselves. Some time ago he moved for a return, which was now before the House, in reference to this subject, from which it appeared that there were no less than fifty-three registered newspapers who were permitted—he would not say permitted—but who actually at this moment published a portion of their impressions unstamped. When these newspapers were wanted to go through the post, then they stamped them; but when they were not wanted to go through the post, then they were not stamped; and you might go to any of the offices of these so-called registered newspapers (for they were all registered at the Stamp Office), and there purchase either the stamped or the unstamped edition, according as you wanted to send it away by post or not. Now the privilege which had been granted to these fifty-three registered papers, published at this moment in London, he called upon the House in justice to extend to all other newspapers. Take the case of *Punch*, or the *Athenæum*, or the *Builder*, or a number of other papers as examples: was there any good reason, in allowing *Punch*, for instance, to be unstamped when it did not go through the post, and stamped when it did, why you should not allow the same privilege to the *Daily News*, or the other morning papers? Perhaps it might be said that the class of publications to which he referred were not newspapers. Then, he wanted to know what right you had to let them go through the Post Office as if they were newspapers? It was because they presented themselves at the Post Office in the character of, and as newspapers, that they were allowed to go through it; they went free in virtue of the newspaper stamp. Then, he contended, there was an infringement of the law in this respect; because you had no right to carry all these fifty-three publications, only charging them the ordinary penny postage, unless they were *bonâ fide* newspapers; for it was to newspapers only the law granted the exception, and that upon the ground that all their impression was stamped. But he must say the system was so anomalous in reference to the postage part of it that he did not think it could be maintained. It must break down. To such an extent had the anomalies of it been carried, that if he went to the Stamp Office with a pair of boots, he believed he could have them stamped, and that they would go through the Post Office as a newspaper. It might not perhaps be the case that a pair of boots, would be so stamped as to pass free the Post Office; but he held in his hand Savory's book of patterns and prices, in which he gave the world advertisements of his candlesticks, candelabra, and plated articles. It was a thick, large book. Now, Mr. Savory went to the Stamp Office, and said he was going to write a newspaper; then they stamped the book, and it was called *Savory's Newspaper;* and here the country was taxed to carry Savory's circulars through the Post Office by virtue of the stamp, and yet the House was told it was necessary, in order that newspapers should go free! The system was utterly anomalous and absurd; and he contended that the Government ought to do by all newspapers as they did by the fifty-three registered newspapers, and by Savory's circular. The system ought to be made general. Either let all be stamped at all times, and then all might go through the Post Office, or let all be unstamped who did not use the Post Office. Justice would then be done towards all parties; and he called upon the right hon. Gentleman the Chancellor of the Exchequer to act upon it, unless he wished the system, as it now stood, to break down entirely, for it must come to that ultimately. It was the study of a life to understand the many ins and outs of the arrangements in reference to stamps, as to what was a newspaper, as to what was news, and as to what you might say, and what you might not say. On the ground, therefore, of simplicity alone, inasmuch as all the most learned men who had hitherto tried had totally failed in defining what was meant by news, the tax ought to be abolished, because by maintaining it great injustice was inevitably done, for numbers of papers which published news were untaxed, whilst others which also published news were taxed. The stamp could not be a fair or a just tax, because he defied all the ingenuity of the Excise to lay down what was the description of news or sentiment that might be untaxed, and what description should be taxed. He had never hitherto heard an explanation of it, and all the explanations hitherto attempted had only left the matter more confused than it was before. He knew it might be argued that the existence of a stamp upon newspapers was a political question, and that it was necessary to maintain it in order to keep up the respectability of the papers; but he would relate a circumstance to show the House what sort of protection the stamp was as a test of respectability. A paper was published some time ago called *Sam Sly*. This paper lived by libelling individuals; mentioning their names, places of residence, and every circumstance, to enable parties to identify them, at the same time publishing of them most shameful libels. Among others, this paper libelled a clergyman at Barking, by stating that he had been guilty of some improper communication with one of his female servants. The solicitor to the Board of Stamps was written to upon the subject, and here was Mr. Keogh's reply:—"The paper called *Sam Sly* is not liable to the newspaper stamp duty." So then it appeared you were at liberty to circulate of individuals statements affecting their private character, no doubt news of a particular description, but you were not liable to the newspaper stamp duty. Now he could not understand what was news, if such allegations were not news, though of the worst description; but according to the Solicitor of Stamps they might be circulated without liability to the duty. Then what security for respectability was the stamp? The publisher of this paper gave no security for his respectability like the publishers of ordinary newspapers, and the party libelled was obliged to deal with him by a prosecution for libel, so that in point of fact the securities of the stamp and the Stamp Office were of no avail whatever. Mr. Keogh went on in his letter to say—"*Paul Pry* and the *Town* are not liable to the newspaper stamp." No doubt Mr. Keogh was quite correct here; but it was surely anomalous that such papers should be allowed to circulate news of a particular description without being liable to the stamp duty, when the Stamp Office was extremely rigorous towards other papers if they published the smallest fact that was of use or interest to the community without the stamp. It was contended, in the next place, that the stamp upon newspapers prevented political theories of a dangerous character being circulated among the working classes. But did it? He wished he had brought down to the House a large bundle of unstamped papers in his possession; but he believed it was irregular to produce newspapers in the House, otherwise he could have shown the sort of stuff circulating among the great mass of the community, and the sort of political theories which some gentlemen fancied they were keeping altogether in the hands of "respectable" people. No doubt many of these unstamped publications were of a highly respectable class, and were doing a great amount of good; many were extremely well written, showing that large sums of money must have been expended in literary labour, and that great pains were taken to support sound and proper views in relation to public policy. But unfortunately they were all at liberty to spread their political theories. The Newspaper Stamp Act said, that any man who published any public intelligence, news, or facts, or occurrences, or any remarks or observations thereon, should be liable to the stamp duty. Perhaps the House would fancy that the latter words, "remarks or observations thereon," applied to all the political observers who were giving their views in the penny publications he had mentioned; but the law had no such effect. Those publications gave their "remarks and observations," and their political theories, without let or hindrance; the Stamp Office did not interfere with any man's promulgating any speculative opinion whatever, provided he did not give the facts necessary to test the accuracy of the theories, or which were necessary to guide the people who read the theories in forming a just opinion upon them. You might give an opinion upon public policy, you might speculate upon religious matters or upon political questions to any extent you pleased, without the interference of a stamp, but you must not give facts. You might tell as many falsehoods as you chose, but state no facts; so that there was really no tax upon lies, whilst there was upon truth. If a man were to publish the most objectionable insinuations against the most exalted public characters in the country, or against the Sovereign upon the throne, or against the Ministers, advisers of the Sovereign, if he even imputed to them acts of the greatest unworthiness, nothing could be done with him, as regarded the stamp, for he could publish whatever he pleased for a penny without it. The only thing for which he could be punished, would be for telling the working classes in his penny publication of the events of the day, of the debates in that House, of the proceedings in the courts of justice, of what the Judges said upon the bench—of those matters which it was useful and necessary they should know. Tell them any of the facts which would guide their opinion, and prevent dangerous errors, and immediately the solicitor to the Board of Stamps came down upon them with a letter, "you have been inserting in your paper matters which bring you within the Newspaper Stamp Act." Was this fitting or right, if we really wished that sound views upon public policy should prevail, and that the truth should be made known among the great body of the people? Clearly not. But to give some little idea of the sort and extent of the latitude of observation which the Newspaper Stamp Act allowed in unstamped publications, he would produce two or three quotations, which would show how far a man might go in his observations or remarks upon public intelligence, though he might not mention facts. At the same time, he must say it required a monstrous deal of ingenuity to distinguish between telling a fact and making an observation upon it; and that, as it seemed to him, the Act was leniently administered. There was a paper called the *Lamp*, a religious penny publication, which offered remarks and observations upon public intelligence; and it made the following remarks and observations upon the public intelligence of the case "Gorham *v.* the Bishop of Exeter":—

> "*Sir John*—That was a hard case—a singular case—an important case.
>
> "*Jester*—Nay, your honour; it was simply a ludicrous case."

He says—

> "For months past, as all the world knows, the minds of the English public have been kept in a state of feverish excitement by theological squabbles of the two Anglican worthies whose names head this paper. The good men and true of the Establishment became regularly pitted against each other. Dividing themselves into two parties, they prepared for a smashing encounter. The one stoutly maintaining, in the person of their right reverend leader, the old and orthodox dogma of spiritual regeneration by infant baptism; the other as boldly maintaining the opposite view, and cheering their chosen champion to the skies. What a scene to laugh at for those who had neither spiritual nor temporal interest at stake! How the Dissenters might chuckle and sneer, and turn up their nose in disgust, while witnessing these solemn tomfooleries. How they might scourge these grave puerilities which their own code of belief boldly repudiates, and which, to do them justice, they could neither sanction nor understand. But in what light did Catholics view this clerical set-to? Why, to them there was nothing strange to be seen; it was merely a repetition of some of the antics and vagaries of the mutinous crew of a leaky, shattered old barque, whose cable they wickedly cut some 300 years ago, and set her adrift without compass or rudder, and have kept her ever since beating about through rocks and shoals upon the stormy sea of uncertainty and error."

This was an instance of the anomaly he had spoken of. Although the Newspaper Stamp Act would not allow the facts in "Gorham *v.* the Bishop of Exeter" to be published without a stamp, it allowed these comments in an unstamped publication. Now, he said, if you allow unstamped publications to say these things, and to comment in this spirit, let them be allowed to give the world the actual trial and the evidence produced thereat. Let them, at least, be enabled to give the whole case. Do not limit them as to the facts. He would give another example from a publication called *Reynolds' Political Instructor.* This political instructor descanted upon the Government in very strong language, whilst it was not allowed to give facts, and here was its opinion :—

> "Lord Palmerston flared and blustered in the House about the independence of Hungary ; but not one bullet or one musket found its way from the Government stores to assist that noble people in their glorious struggle for freedom. In foreign lands our policy is stigmatised as perfidious ; we are disliked and mistrusted. Never, perhaps, were the following lines of Lord Byron, when alluding to the position of England, more appropriate than at the present time :—
>
> 'Alas ! did she but really, truly know
> How her great name is now throughout abhorr'd,
> How all the world is eager for the blow
> Which shall lay bare her bosom to the sword.'
>
> The condition of our colonies, under the flagrant misrule of Earl Grey, is deplorable in the extreme. Notwithstanding the floggings and shootings of those aspiring Haynaus in the Ionian Isles and Ceylon—Ward and Lord Torrington—the people of these possessions are determined, sooner or later, to throw off the merciless yoke of England. One by one our colonies, following the example of America, will free themselves from the chains of aristocratic domination."

All this could be said within the stamp; and here was a political theory :—

> "A paper upon the necessity for an entirely new organisation of society, based upon principles not opposed to but in accordance with nature."

The number of these publications was legion ; but he would produce one more. It was *Cooper's Journal, or Unfettered Thinker, and Plain Speaker, for Truth, Freedom, and Progress.* This publication was unstamped; and though it did not profess to descant upon public intelligence, the following passage looked a good deal like it :—

> "The concluding paragraphs of the Queen's Speech merely confirm the report that it would allude to the ministerial purpose of altering the law relative to the franchise. It leaves us entirely in the dark as to what kind of alteration is intended, and how far it will be an extension. The Delphic oracle was never more enigmatical. 'The favour of Divine Providence has hitherto preserved this kingdom from the wars and convulsions which during the last two years have shaken so many of the States of the Continent of Europe. It is Her Majesty's hope and belief that by combining liberty with order, by preserving what is valuable, and amending what is defective, you will sustain the fabric of our institutions, as the abode and the shelter of a free and happy people.' If the *Weekly Chronicle*, professing to have official sources of information, had not told us that 'an extension of the franchise' would be unfolded in the Royal Speech, as a ministeral intention—if Admiral Dundas, a Lord Commissioner of the Admiralty, had not assured his constituents at Greenwich that the Government he served would most positively introduce a measure for the extension of the franchise this Session—if expectation and belief had not thus been created—who could have ventured to interpret the peroration of the Queen's Speech as having any such substantial meaning ? Lord John, during the recess, has evidently been studying Herodotus—perhaps in Mr. Bohn's newly translated edition, for one cannot give him credit for much Greek scholarship—and has noted the slippery skill with which the priestess was wont to give her replies from the tripod. 'Combining liberty with order,' and 'preserving what is valuable, and amending what is defective,' may mean not attempting the suspension of the Habeas Corpus Act, or any other curtailment of English liberty, temporary or permanent—that is to say, doing nothing relative to the franchise ; or it may be explained, in the course of the Session, to mean the abolition of the ratepaying clauses in the Reform Bill of 1832, or almost any other peddling 'improvement.' In short, the last sentence of the Queen's Speech is a very pretty stroke of whiggery, and may be made to mean anything that ministers may be compelled to propose, in order to keep their seats ; or, if the protection threat should turn out bluster, and the financial reformers prove as 'decorous' as in the last Session, it can be shown to mean the 'preservation of our venerable constitution,' by letting it alone."

Such, then, were the sort of comments upon public affairs by these unstamped publications; and they were left in the exclusive possession of the field. They were made the only parties who had access to the mind of the working classes, for you would not let the cheap newspaper go into the field and compete with them. They had, in fact, the exclusive monopoly of leading the minds of the great body of the working people of this country; yet you would not, in justice, give others the opportunity of supplying the antidote to the poison. It was, therefore, most important to give to men of capital and respectability the power of gaining access by newspapers, by faithful records of facts, to the minds of the great body of the working classes. But there was another description of papers circulating extensively among the labouring population, solely because they were not allowed to have cheap newspapers. They were of a stimulating class. The people, if they could not have useful information and valuable records of facts, must have something to stimulate and excite the imagination and the passions—to rouse their nervous system. He could mention the titles of two or three publications of this class. One was called *The Terrific Record.* This he supposed was for nervous people. Then there was a paper, of which he forgot the name, which gave accounts of horrible murders, and so on; and another, called *The Life of a Countess, or the History of Lola Montes.* All this class of publications found a vast sale, because there was an appetite for them which must be supplied; but the sale of them very mainly arose from the fact that newspapers were not allowed to go into the field and compete with them on the same terms. He had been told that an eminent bookseller in Manchester sold between 80,000 and 90,000 a week of these penny publications among the working classes. Upon a Saturday the working man went into the shop for his penny paper, and took it among his family. Sometimes it was one of the horrible sort he had just referred to—sometimes of a religious character—and sometimes of the kind containing the political comments he had described. All went among the poor man's family. "But," said his (Mr. Gibson's) informant—

> "If there were also upon the counter, by the side of these penny publications, a penny newspaper, which gave a true account of the leading events of the day, there is not one in fifty of the customers who would not prefer it."

The poor could not buy newspapers at their present price. On this subject he would take the liberty of quoting some most important evidence given before a Committee of the House of Commons, by Lord Brougham, who at that time held the office of Lord Chancellor, and who gave his evidence with all the responsibility attaching to the holder of the Great Seal. Lord Brougham said—

> "The people wish to read the news, in which they take an interest, and in which it is fit they should take an interest. In public affairs they are nearly concerned, and it is both their right and their duty to attend much to public affairs. I am of opinion that a sound system of government requires the people to read and inform themselves upon political subjects, else they are the prey of every quack, every impostor, and every agitator who may practise his trade in the country. If they do not read, if they do not learn, if they do not digest by discussion and reflection, what they have read and learnt, if they do not thus qualify themselves to form opinions for themselves, other men will form opinions for them, not according to truth and to the interests of the people, but according to their own individual and selfish interests, which may, and most probably will be, contrary to those of the people at large. The best security for a Government like this, for the Legislature, for the Crown, and, generally, for the public peace and public morals, is that the whole community should be well informed upon its political as well as its other interests, and it can be well informed only by having access to wholesome, sound, and impartial publications. Therefore they will and ought to read the news of the day, political discussions, political events, the debates by their representatives in Parliament, and of this other House of Parliament, and on not one of these heads can any paper be published, daily or weekly, without coming under the stamp law; consequently, the people at large are excluded, by the dear form in which alone the respectable publishers can afford it while they pay the duty. They can only have it in a cheap form by purchasing of publishers of another description, who break the revenue law by paying for no stamps, and also break all other laws by the matter they publish. If, instead of newspapers being sold for sixpence or a shilling, they could be sold for a penny, I have no manner of doubt there would immediately follow the greatest possible improvement in the tone and temper of the political information of the people; and, therefore, of the political character and conduct of the people. I hold it to be as clear a proposition as any in finance, that if you abolish the stamp on newspapers, instead of increasing the facility to set up libellous publications, you greatly lessen it by increasing the number of good publications, and by destroying the monopoly in the hands of reckless men, who neither mind the old law of the land, nor a breach of the stamp laws."

The present Lord Chief Justice of the Queen's Bench, then Mr. John Campbell, went even further than Lord Brougham, for he said he wished to see newspapers published at a halfpenny, whilst Lord Brougham wished to see them at a penny. See, then, what the stamp amounted to. In the case of a penny paper, it was a tax of 100 per cent; and upon a halfpenny paper it was 200 per cent. Was this, then, a tax the House of Commons was prepared to retain, with the view, not of gaining a revenue, but simply of preventing the circulation of knowledge among the working people? Was it right that Parliament should labour under this illusion when they saw the way in which the question was argued and the subject dealt with? It had been avowed in that House, and not withdrawn, that the object of the penny stamp was to prevent cheap newspapers circulating among the great body of the people—to keep newspapers in the hands of capitalists and within a limited sphere; but he should be glad to hear any one now put the stamp upon a mere revenue foundation. It would be better to do so, in order that no one might say, in these days, we ought to make it a matter of public policy to prevent by fiscal regulations faithful records of facts reaching our fellow-countrymen. With regard to the dearer description of newspapers, such as the *Times* and others, the effect of this great taxation was to limit their circulation materially. There were many who said they had no interest in maintaining the stamp, but who were not favourable to its removal; but without entering into the question, he was sure the House would not for a moment entertain the idea of a monopoly. It was a monopoly—the monopoly of giving opinion to the public, of circulating intelligence supported by fiscal regulations. Such an idea must be scouted by every man in these times; but he did not believe that the dearer description of papers had a monopoly. All the papers of established reputation would maintain their position, even if the stamp were repealed, and share in the advantages that would be derived by the whole newspaper press from such a policy. Their relative position would not be altered; therefore he could not understand that there was any good reason for a fear that the removal of the stamp duty would materially injure those papers which now circulate among the wealthier classes. He admitted it might make some difference in having to write for, perhaps, a different class of readers; but the tendency of the change would be to increase their circulation. But it was not to this class of newspapers that his Motion was particularly addressed—it was rather to that which reached the great masses of the people, which were now debarred from giving the facts and knowledge they ought to give. It sometimes happened that the Stamp Office did come down upon unstamped publications for irregularities; and a communication was made to him yesterday from a paper called the *Norwich Reformer*, the writer of which said he had had a letter from the solicitor for having given an article called "The Records of Progress." The party replied to the solicitor for the Stamp Office, asking for a little information upon this most anomalous law; and he would read the latest interpretation put upon it at head quarters.

"Inland Revenue, Somerset House,
7th March, 1850.

"Gentlemen—The attention of this Board having been directed to some articles of public news contained in Nos. I. and II. of your publication, the *Reformer*, under the head of the 'Record of Progress' of a character that cannot lawfully be published in any but a stamped newspaper, I have been desired to acquaint you with the circumstance, and to caution you against any future insertion of like matter.—I am, Gentlemen, your obedient servant,

"J. Timm, Solicitor of Inland Revenue."

To which the Editor returned the following reply:—

"Norwich, March 12.

"Sir—I have received your intimation that the intelligence given in the *Reformer*, under the heading 'Record of Progress,' cannot be lawfully inserted in any but a stamped newspaper. I should be greatly obliged if you could inform me on what grounds the *Gentleman's Magazine*, *United Service Magazine*, *Tait's Edinburgh Magazine*, *Christian Observer*, *People's Journal*, with others that might be mentioned (including unstamped copies of the *Freeholder*, *Athenæum*, &c.), are permitted to furnish similar information. Also, why the organs of societies of a literary, philanthropic, and scientific character are allowed to contain details of their respective operations, whilst that privilege is denied to the journal of a political association? Thanking you for your caution, and soliciting information upon these points, I remain, Sir, your obedient servant,

"The Editor of the Reformer."

The Solicitor wrote again as follows:—

"Inland Revenue, Somerset House, March 13.

"Gentlemen—I am this morning in receipt of a letter without signature, but purporting to come from the Editor of the *Reformer*, and as it is written in reference to mine of the 7th inst., addressed to you, I reply to it as proceeding from you. The publications to which allusion is made are not before me, either officially or otherwise; I know, therefore, nothing of their contents; but assuming them to be unstamped papers, and to contain matter which they ought not to publish, it is not for me to offer any explanation upon the subject, nor can the circumstances justify irregularities in others. I may, however, remark, as I am aware that the subject has been under notice, in reference more particularly to learned societies, that articles, although relating to the transactions of such societies, and therefore savouring of public news and intelligence, yet as partaking of the character of a review, are not looked upon as matters to be objected to in unstamped publications; so, also, with regard to dramatic performances and such like.—I am, Gentlemen, your obedient servant,

"J. Timm, Solicitor of Inland Revenue."

He submitted with all respect, considering how enormous were the penalties that might be levied under the Stamp Act, that there should be some more explicit statement of its enactments than that a man might write something that savoured of news or intelligence, but must not give the news or intelligence itself. He hoped that the noble Lord at the head of the Government, or somebody else, would tell them what was meant, because this was a penal statute, and penal statutes ought to be clear and explicit. To leave the subject in its present state was to place a man in a position, with respect to penal statutes, in which no British subject ought to be placed. There was another man prosecuted at Greenock, who had found a very ingenious way of evading the claims of the Stamp Office. This person had written a letter to him, dated the 13th of March, 1850:—

"Greenock, Wednesday, March 13, 1850.

"Sir—I sent you per post yesterday one each, periodicals on paper and cloth. The former was abandoned in consequence of an Exchequer process; the latter is still continued, and No. 27 will appear to-night. The prosecution was for breach of the last Act, restraining liberty of the press. In it every paper is held to be a newspaper which contains 'news, events, intelligence, or occurrences, or any remarks or observations thereon, or upon any matter in Church or State.' On the proposal of this measure Mr. Wakley sounded a proper alarm to no purpose, as the public were ignorant and lukewarm, and 'the best possible public instructors,' the stamped press, from interested motives favourable to the destructive Bill. *Chambers' Journal*, *Hogg's Instructions in Truth*, every publication less in size than 2½ sheets demy, or sold for less in size than 6*d.*, is illegal. The law is rarely enforced, yet, because some articles in mine gave offence to a 'little brief authority' here, I was served with a 'Victoria greeting,' &c., and fined for five numbers 20*l.* each. In January, 1849, a second attempt was made to put my *brochure* down; but having studied this oppressive Act, I observed that as cloth was not proscribed, I might adopt it instead of paper, save the penny stamp, and escape the bonds, &c., to which newspapers are liable. I, therefore, in conformity with law, use an inferior and more expensive medium for the diffusion of knowledge; but I hope you will see the utility of exposing the anomaly, that while others all over the kingdom, or queendom, safely despise or set at naught the law, I am compelled to respect it in an absurdity.—I am, Sir, your obedient servant,

"JOHN LENNOX, printer, news-agent, &c."

In another letter, which he (Mr. Gibson) had only received by that day's post, the writer mentioned, what it was quite right should be known, that after an appeal to the Treasury the fine had been remitted; but he was still in the position of not being permitted to publish on paper without a stamp certain general observations on public events apart from any systematic record of facts. He is not even granted that permission to "savour" with intelligence which is graciously conceded to the *Norwich Reformer*. He should mention, that in harmony with his altered material, he had altered the name of his journal, and now called it the *Greenock News Clout*. He contended that if they were to have this law at all, and to say that no man should observe on public facts and occurrences, without paying the stamp duty, then they ought to enforce it equally. But it was fatal to your law to single out particular cases, because this involved a new censorship; it made the Commissioners of Somerset House the judges of what the public should read or not read. Were they prepared to advocate on principle a censorship conducted by the Commissioners of Somerset House? If they were not, let them do one of two things; either repeal the tax on newspapers altogether, or enforce it indiscriminately on all. Let us have no evasions and anomalies; let us have no unfair competition between the taxpaying and nonpaying newspapers; let all men share the burden equally, or relieve others from it. These were the grounds on which he called on them to agree to the second resolution for the repeal of the stamp duty on newspapers. And let it be observed, as regarded the transmission of newspapers through the Post Office, and the revenue derived from this source, every man would then be, with respect to postal privileges, precisely in the position in which he now was. There were 86,000,000 of stamps, and he had heard a calculation made, he believed, by Mr. Rowland Hill, that 66,000,000, of these passed through the post, he would say 70,000,000. He did not say they would all continue to pass through the post if the compulsory stamping were removed; but he did say, it was fair to presume that a considerable proportion of these 70,000,000 would pass through the post, and avail themselves of the advantages of being conveyed by the post for a penny, as they did now; because the fifty-three registered newspapers, which only stamped themselves for post, afforded a clear proof of it, stamping themselves for the post alone, in order to have the benefit of being transmitted at the public charge. Therefore, it was clear that he was not asking the House to sacrifice the whole of this 350,000*l.*; all he asked was to risk the sacrifice of a portion of it, and in doing so, to confer on the public that great and inestimable boon, the advantage of cheap newspapers circulating through the great body of the people. There was no reason why newspapers should not be as cheap in England as in any other country; and he was convinced that if the tax were removed, they might look forward to seeing daily and weekly newspapers at a penny. No doubt, if we had papers of superior excellence on which the highest class of literary talent was employed, a higher price must be paid for them; but for the small price he had named, the working man would be able to get a sufficient record of the facts of the day, suitable to himself, calculated to give him instruction, as well as information as to the best mode of getting employment in his particular occupation; and, in fact, preventing, by the circulation of facts, that unfortunate congestion of labour frequently perceived in certain districts, as in the case of the hand-loom weavers, and other trades which might be mentioned. He believed it was for want of the circulation of sound facts and intelligence that working people lingered on in the hopes of the return of an employment, in fact, cut off for ever, and were thus prevented from improving their social condition. He might instance the factory labour question; he believed that cheap newspapers in the factory districts would be of infinite advantage in discussing all this class of questions, and enabling working men to form a just opinion of their interests. They would not allow any man to plead that he was ignorant of the laws of the land; then why did they take steps to prevent the circulation throughout the country of the accounts of proceedings in courts of justice, the only way in which working men could get a knowledge of those laws? It was not likely that working men would read *Blackstone*, *Coke*, or any learned law works; but the proceedings in police courts and courts of justice would give them instruction in that which we were bound to instruct them in, or at any rate not to prevent them from knowing, the law of the land. Would they, therefore, refuse to risk the paltry 140,000*l.* or 150,000*l.* of revenue which might be lost or endangered by the repeal of the duty on newspapers?

The subject of the next resolution (for the removal of the Advertisement Duty) was in the hands of the hon. Member for Dumfries, who had paid great attention to it; but he (Mr. Gibson) had embodied it in his Motion, because it came under the general designation of taxes on knowledge, and, therefore, he felt it might be said he had made an incompetent Motion if he omitted it. It was a tax full of injustice, pressing most unfairly on the poor, making them, as had been often said, pay as largely on the insertion of an advertisement from a person in want of a place, as on an advertisement for the sale of an estate by a rich man. He remembered that Mr. James Mill, in a very able article he wrote on this subject, put the question of the advertisement duty very forcibly, saying that the fashion used to be to advertise through the public crier; and if an exciseman had ventured to interrupt this functionary when about to announce to the world the sale of a bankrupt's stock, the loss of a child, or some equally important event, and told him that he must not venture to say a word until he had paid one shilling and sixpence into the Queen's Exchequer, he would have been scouted with universal execrations, and perhaps the people in the street might have used physical force to get rid of him. An advertisement, in fact, was a monstrous tax on misfortune; you could not advertise a subscription for a ragged school, or a proposal to raise money for some victim of calamity, without paying a proportion of the amount to the revenue of the State. People did not know, when they gave their money to the Exhibition for Works of Industry, and of the Female Emigration plan, the right hon. Gentleman's the Member for South Wilts, how much of their money was diverted to the public exchequer. This advertisement duty was of very small amount—only 150,000*l.*; and from this must be deducted the sum the State itself had to pay for advertisements. He would venture to say, as would be shown by the return for which his hon. Friend had moved, that this amounted to a good round sum. After all, what was this sum compared with the injury that must be done to trade, to literature, and also to the interests of persons in distress, by retaining this tax. He could mention a case of great oppression, to show how this worked in reference to a newspaper. The *Daily News* had proposed to give in its impressions a list of all the sales that were to come, just as other newpapers gave the hunting appointments or the law notices, all of which, though not regular advertisements, were interesting to the public, and thus benefited the newspaper. But the Stamp Office said that they must not insert this list of sales without paying 1*s.* 6*d.* on each of them. The consequence was, that they were obliged to discontinue the plan, which appeared to him quite as reasonable as allowing the insertion of the hunting and sporting appointments in the *Morning Post*, *Bell's Life*, or other journals, without payment of duty. Why should they always single out trade and knowledge for impositions, leaving much less useful matters tax-free? The difference in the cost of advertisements between the newspapers of the United States and those of the United Kingdom was so large as to cause astonishment; in the latter it was six or seven times as much. He had seen it calculated that where it would cost you 230*l.* to advertise for one year in the *Times*, you could get the same number of insertions in a paper of equal circulation in the United States for 8*l.* or 9*l.*, with a copy of the newspaper in addition. He did not mean to say that this analogy would be quite fair, because our habits of advertising and the course of trade would not immediately conform themselves to the plan prevailing in the United States; but at any rate if there were a disposition in the public of this country to advertise in the same way, the advertisement duty was a fatal objection. This tax, therefore, imposed an enormous burden on trade, industry, and the communications between men which were often so necessary; but as his hon. Friend was about to bring it forward as a substantive Motion, he should not dwell on it.

His last resolution related to an important subject, though the sum affected by it was small, the duty on Foreign Books, yielding only 8,000*l.* per annum. This, however, amounted to a very large percentage on the value of the foreign works imported into this country. It was a great obstacle to the supply of libraries with foreign books, and led to so many cases of injustice from the inability to divide the books into so many classes as the law required, that he hoped to have the concurrence of the House in saying that they ought to be removed. It was one of those duties of which the removal was contemplated when the tariff was altered, and which was not worth collecting; it was an obstacle to the free interchange of literature between this and foreign countries, and was attended with many practical inconveniences.

He now submitted his first resolution with respect to the Paper Duties. He should place it formally in the hands of the Chairman, and he did earnestly hope that it would receive the favourable consideration of the House. His conviction was, that if they did not remove these taxes, as he believed he had shown good grounds for saying that they impeded the spread of knowledge amongst the great body of the people, they would be laying up in store some great evils which would fall upon this country at a future time as a retribution of her erroneous policy.

Motion made, and Question put—

> "That whereas all taxes which directly impede the diffusion of knowledge are highly injurious to the public interests, and are most impolitic sources of revenue, this House is of opinion, that such financial arrangements ought to be made as will enable Parliament to repeal the Excise Duty on Paper."

Mr. COWAN begged leave to second the resolution. He was not ashamed to say before the landed aristocracy, that he owed almost all he possessed to that manufacture to which his right hon. Friend had referred in the course of his speech. He was aware that the admission might lessen the value of the statements he was about to make, but his only object was to obtain justice, and to benefit the public at large. Perhaps the House would allow him to explain the peculiar restrictions which oppressed the manufacture of paper as distinguished from other excisable productions. In the first place, on all other excisable articles the duty was levied at once, but the duty on paper was levied by means of labels, which must be affixed to every ream or parcel, however small in bulk or value. Then it was the only article which had, in addition, to submit to detention, after the duty was charged, being equal to forty-eight hours' delay after it was put under the inspection of the officer. Twenty years ago, when the operation of paper making took three weeks, the delay of the Excise was not felt to be a very serious drawback; but subsequent improvements having reduced the time required to four hours, a further delay of forty-eight became a serious matter, seeing that it might be sent from Scotland to London and back again in that time. It was generally admitted that attempts to secure the duty by peculiar forms of construction of labels or stamps had failed, from the facility that existed of producing counterfeits. He had a proof of this in a letter which he held in his hand describing a fraud which had taken place in the sister country. The writer assured him that he knew of a case where a fraudulent manufacturer in Ireland had made the same wrappers serve seven successive loads of paper. His right hon. Friend had mentioned most of the grievances of the paper makers; but there was still one point to which he (Mr. Cowan) begged to call the attention of the agricultural Gentlemen. He held in his hand a publication of the year 1800, dedicated to George III., printed one-half on paper made of straw, and one-half from wood; and he begged to assure hon. Gentlemen opposite that if it were not for the restrictions, paper might be manufactured from straw suitable for many important purposes for which wood was now used at a much higher cost. But when he told them that the raw material cost 2*s.* the cwt., while the duty was 14*s.* 9*d.*, they would cease to wonder at the small progress that had been made in the manufacture. If it were consistent with the usage of the House, he could show specimens of paper made from straw and the various cereal productions, which would be sufficient to prove that the removal of restriction would create a new market for agricultural productions. The fact was that straw was extensively used in other countries in the manufacture of paper, and would be similarly used here, were it not for the Excise restrictions. He, therefore, claimed the support of hon. Gentlemen opposite for that portion of his right hon. Friend's Motion. Indeed, he thought it claimed the support of both sides of the House, because free trade would be a perfect mockery so long as these restrictions existed; and on the other hand, Gentlemen who felt zealous for the protection of native industry could not refuse opening a new market for its produce. As to the exportation of paper, there was no such article mentioned in the returns. He presumed it was included in the item "stationery;" and it certainly was stationary in every sense of the word. He had been at the trouble of analysing the tables to show how small an amount of paper figured among our exports. In the course of his inquiries nothing had more surprised him than to find that to Brazil, where there was an enormous consumption of paper, our exports did not exceed 3,000*l.* or 4,000*l.* in value. He happened to know that the demand for paper in Brazil was enormous, and to show how little of it reached this country, he would read to the House a letter which he had recently received from an eminent house in Rio Janeiro. [The hon. Member then read the letter, the purport of which was that it was useless to send English paper, as it was certain to be undersold by the French and Italian manufacturers.] He was sorry to perceive, from indications he had already observed, that they need not hope much aid from the Government in altering such a state of things. He had accompanied deputations to the Government on several occasions, both before he was a Member of that House and since, to urge the claims of the paper manufacturers for a remission of the duty; but he must say, that he had never received the least encouragement from them, nor had they ever expressed any sympathy with the manufacturers. On a recent occasion, when he was accompanied by his friend Mr. Crompton, evidence was laid before the noble Lord at the head of the Government, showing the unjust manner in which the excise regulations operated against those paper makers who employed water in the manufacture, as compared with those who did not. But the lips of the noble Lord appeared congealed in official reserve; or if the deputation was answered at all, it was much in the same way as an ancient people of whom they read in the book of Exodus, were answered when they complained of the weight of the burdens imposed upon them by their Egyptian task-master—that was, they were told "Get you back to your burdens." From the right hon. Gentleman the Chancellor of the Exchequer, all the satisfaction they could get was, that he could not afford to do what was just and right, in consequence of the state of the revenue. He hoped, however, the resolution the House would come to that evening would compel Ministers to take the matter into their serious and favourable consideration, with the view of giving the paper manufacturers, at no distant day, the relief to which he contended they were entitled. He apologised for detaining the House. He feared he was only proving the truth of what the hon. Member for West Surrey had said, when he drew a comparison, by no means to his advantage, between him (Mr. Cowan) and an illustrious man not now a Member of that House. He might, as he had referred to that illustrious individual, be allowed to say, that no man entertained a greater admiration of that distinguished historian and poet, Mr. Macaulay, than he did; and though he (Mr. Cowan) had been almost the unwilling cause of the right hon. Gentleman's retirement from that House, in whose debates he had so frequently assisted with effect, and which had so often been the scene of his oratorical triumphs, no one was more anxious than he was that Mr. Macaulay might long live to continue the important historical work he had so ably commenced, and to enjoy his high and deserved literary fame. He thought the literature of this country was deeply indebted to that eminent man for his endeavours to establish a system of international copyright; but though he did not see any chance of such a measure being carried for some time to come, he was informed, on good authority, that if our literature were unfettered it need not fear competition with the literary pirates of the United States or any other country, and that it would make its way wherever the English language was known. He had, at all times, been anxious to give Her Majesty's Government a full and generous support; and he thought he might fairly ask them to give their favourable consideration to an appeal, the object of which was to deliver a most important and useful article of our home manufacture from that bondage under which it had so long laboured—that incubus by which it was weighed down. He cordially seconded the Motion.

The CHANCELLOR OF THE EXCHEQUER said, he could assure his right hon. Friend the Member for Manchester, that he did not intend to object in any way to his having brought this subject before the House; and still less objection had he felt to listen to so able and eloquent a speech as that by which the right hon. Gentleman had introduced the Motion. His right hon. Friend had, however, put into his (the Chancellor of the Exchequer's) mouth, arguments which he never had used, and which he was not prepared to use, against the repeal or reduction of the duties to which the Motion referred. He was afraid that taxation was a necessary evil; and some taxes were more objectionable than others; when he had the means of so doing, he would readily remove those taxes which at the time appeared to him to press most heavily upon the people. It was only a short time since he had stated to the House the probable surplus of revenue in the course of the year which he conceived might be fairly devoted to the reduction of taxation; and he thought that the proposal he then made as to the taxes he deemed it most convenient to reduce, was received with satisfaction by the House generally. His right hon. Friend had quoted the opinion of the Commissioners of Excise as to the duty on paper; but he must remind the right hon. Gentleman that they expressed a still stronger opinion with regard to the objections to the duty upon bricks. The right hon. Gentleman had referred to what took place as to the reduction or repeal of various duties in 1842; but it must be remembered that the right hon. Member for Tamworth then imposed a new tax which raised an additional revenue of somewhere about 5,000,000*l.* Now, if he (the Chancellor of the Exchequer) could in any unobjectionable manner increase the revenue to such an amount, he might entertain some of the suggestions so constantly made for reductions; but he confessed that he did not think that he should find the House willing to agree to any new tax, and without some substitute he could not spare the various taxes for the repeal of which repeated Motions had been made. He must say that, when he had received deputations on the subject of the paper duties, he had been a little surprised at the statements made as to the annoying and unwarrantable interference with the manufacture of paper under the excise laws; for in the report to which the right hon. Gentleman had referred, it was stated that the excise duty on paper was distinguished from other excise duties by the fact that it did not involve any interference with the article in the process of manufacture. He (the Chancellor of the Exchequer) had heard it stated, and he had no doubt it was to a certain extent truly stated, that the excise regulations in regard to malt, spirits, and bricks, interfered with the process of manufacture, and prevented experiments and alterations which might cheapen and improve the article; but what was the opinion of Sir H. Parnell—what was the opinion of the Commissioners of Excise Inquiry? In page 10 of their 14th report, the Commissioners said—

> "Unlike other excise duties the process of their (paper) manufacture is exempt from excise interference." To which exemption the Commissioners attributed "the very great progress which had been made in the application of various improvements to this manufacture, especially those arising from the extensive introduction of machinery, which had enabled the manufacturers, by combining the two processes of making and drying the paper through the operation of large cylinders heated by steam, to complete in a few minutes a quantity of paper, which formerly occupied a period of as many weeks."

The absence of interference was considered by the Commissioners the distinguishing mark of the excise duty upon paper; and yet this particular duty had, upon the present occasion, been complained of on the ground of its causing a vexatious interference with the manufacture. When last year he saw a deputation of paper manufacturers, to whom he gave the answer which the hon. Member for the city of Edinburgh represented as so discouraging, namely, that there was no surplus to appropriate to a reduction of taxation, he (the Chancellor of the Exchequer) asked them whether there was any interference with their processes to which they objected, or whether he could in any way facilitate them by different arrangements; and the answer was, that no improvement could be made in that respect, and that the Excise did not interfere with them in their processes. Then, as to the inconvenience, to what did it amount? That when the paper was ready to be sent out, it was weighed by the excise officer; that it must be kept a certain time on the premises, that the supervisor might come and weigh it, if he pleased. The deputation of manufacturers, coming from all parts of the country, did not complain of that; and they stated that what they wanted was not improvement in regard to excise regulations, but absolute repeal of the duty. The right hon. Member for Manchester went on to state the heavy burden this duty imposed upon publications; but he rather overrated the impediment it created. There was a very excellent commercial dictionary, for instance, which sold for 50*s.*; the weight of it was 4½ lbs., and the whole duty upon the paper in the volume was, it appeared, 4½*d.*—not a very heavy sum upon such a publication. As to the duty upon newspapers, he did not undervalue the arguments of the right hon. Mover, though he must observe with respect to the very ingenious suggestions of the difficulties which might arise as to the proper interpretation of the term "newspaper," and what was "news," and so on, that he had not heard that practically any great complaints were made upon the subject, or that any great inconvenience had been found. It was easy to magnify one or two cases into a great grievance, but he did not hear from the Board of Inland Revenue that any great dissatisfaction was expressed; he rather thought the statement of the extent of the grievance was founded somewhat more upon the imagination of his right hon. Friend than upon fact. But he must object to the proposition made to the House, as he objected the other day to the repeal of the window duty, upon the ground of the amount of revenue which it would withdraw, and the right hon. Gentleman had very fairly stated the amount of the various duties embraced in the Motion. He (the Chancellor of the Exchequer) did not say that the time might not come when these duties ought to be removed; but it was impossible, with a due regard to the public revenue, to deal with them this year, and upon those questions nothing was so unwise as to pledge yourselves in one year to what you would do in another. If there was one thing to which the Chancellor of the Exchequer was bound, it was not to disclose his intentions. He must object to the repeal of these duties now; he must object still more, if possible, to any promise or pledge as to what was to be done with regard to taxation in future. The amount of the paper duty showed no symptom of decline. In 1840 it produced 581,000*l.*; in 1845, 758,000*l.*; in 1848, 745,000*l.*; and in 1849, 810,554*l.* The newspaper duty in 1849 produced 348,206*l.*, the advertisement duty 163,211*l.*, and the duty on books 7,748*l.* The produce of the four duties was 1,264,000*l.* in 1848; in 1849, 1,329,000*l.* He was not prepared to sacrifice any such amount of revenue. He hoped the House would excuse his taking this, the earliest occasion, after what had happened, of addressing to them a few words generally upon the subject of the various propositions for repeal of taxation which had been made within a short time, and were made, or intended to be made, that night. He hoped he was not more nervous than a Chancellor of the Exchequer might be supposed properly to be upon questions affecting the revenue and finances of the country; but he must say he could not look without serious anxiety upon the course a great portion of the House seemed disposed to pursue upon these questions. He had had the honour of holding the situation which he had now, however unworthily, filled for about three years and a half; he had held that office during times of extraordinary pressure. The famine in Ireland, the commercial pressure in 1847 the disturbances on the Continent, the Kafir war, and other circumstances to which he need not refer, all produced an extraordinary effect upon the revenue and expenditure of the country. Things over which we had no control led to very considerable difficulty at the time. In the last year the financial condition of the country improved, and the balance sheet laid upon the table on the previous night would show a surplus of near 2,500,000*l.* But, looking to the character and credit of the country, it seemed to him that if the present course was to be pursued, there would be greater difficulty now, when we had a surplus, than when we had a deficiency. That deficiency arose from "acts of God," from circumstances over which we had no control; if there should be a deficiency now, it was likely to be one produced by the wilful and deliberate conduct of the House of Commons. He stated a month ago that the surplus in the course of the ensuing year would probably be about 1,500,000*l.*; and he proposed to give relief in taxation upon two items, in regard to which the House generally concurred, to the extent of 750,000*l.*, and to apply 250,000*l.* to the purchase of a most unprofitable annuity, known as the Equivalent Society's annuity, leaving a margin of 500,000*l.* to cover unforeseen contingencies; to meet the possibility of his being mistaken in his calculation, and, if he was right, to be applied in reduction of debt; and he did not think any Chancellor of the Exchequer would be justified in not leaving himself some such margin. In proceeding to the subject of the remission of the stamp duties, he found the pressure of the mortgage duty so great, that he had proposed on the previous night to reduce the ½ per cent to ¼. The House, not satisfied with that, voted a further reduction. The lowest estimate of the loss upon that was rather more than 100,000*l.* The Motion now before the House would take away 1,300,000*l.* [Mr. M. GIBSON: But you have not taken into account, on the other side, the postage on the newspapers.] He was stating the amount in round numbers; he had allowed more than he had taken; it was not worth while disputing about 10,000*l.* or so in dealing with large sums. Supposing the proposition to be carried into immediate effect, there must be an imposition of taxes or a reduction of expenditure to the amount of near 1,000,000*l.* The great services had been all voted; and, however anxious any one might be for economy—and he would not yield to any Member in anxiety to reduce the expenditure of the country to the narrowest limits compatible with its true interests—he did not suppose that any one expected that this year, whatever might be done hereafter, there could be a further reduction of expenditure to the extent of nearly 1,000,000*l.* Then, taxes of one kind or another must be imposed. Now, Gentlemen on one side of the House, friendly to direct taxation, might be disposed to drive the Government to a position in which, having a deficiency, they must impose new taxes, supposing that they must then come forward with a proposition for direct taxation. Gentlemen opposite might think that while there was a surplus there was no hope for their proposition of an import duty upon all foreign commodities; and they seemed not indisposed to join with the former in order to produce a deficiency, that they might have an opportunity of forcing their scheme upon the House. But let hon. Members reflect upon the position in which they would place the country. They would, by their deliberate act, have created a deficiency; and they would then have to settle between the two sides of the House how it was to be made good—by what system of taxation, direct or indirect. Might not both, in that contest, have to come to the conclusion that it would have been better to submit to the old burden for a time, and leave a surplus, both in this and in future years, which would enable the existing Finance Minister to deal with some of the anomalies which called for removal? But what would be the effect upon the character and credit of the country? It was bad enough when the deficiency was created by circumstances we could not control. It was most essential, as everybody felt, that the public credit should be kept up. He would not impute to his right hon. Friend any desire to interfere with it. Gentlemen on that side of the House had disclaimed any notion of repudiation. He must not for a moment be supposed to doubt the sincerity of that declaration. But he must state that if their proposition were carried, they would be in a position in which fears of repudiation might arise. He imputed to no Member the slightest intention of repudiation; but if the House wilfully and deliberately created a deficiency without providing how it was to be made up, such a fear might not unreasonably be entertained; and if propositions of this kind were to be carried, involving a sacrifice of taxation beyond what could be made up by any existing surplus, and leaving no margin for unforeseen contingencies, the House would be inflicting a most dangerous wound upon the character and credit of the country. The hon. Member for Montrose had another Motion on the Paper for that night, for the repeal of 1,500,000*l.* of taxation—the Customs' duties on the remaining manufactured articles subject to such duties, and on articles of agricultural produce—these duties produced last year 1,538,000*l.* With the Motion now before the House, it was proposed that evening to repeal duties to the extent of 2,800,000*l.* Really when propositions of this kind were made night after night, and when on a recent occasion a resolution with a view to the repeal of a duty amounting to 1,800,000*l.* was negatived only by a very narrow majority, there was enough to excite very serious anxiety as to the effect of votes, given perhaps without full consideration of the possible consequences they might have upon the credit and character of the country. These were the grounds upon which he should resist this Motion. He thought it would be exceedingly unwise, unsafe, and discreditable to the House and the country to vote away 1,300,000*l.* of taxation; he thought it would be equally unwise for the House now to pledge itself to the way in which it would deal with these taxes next Session. He thought it would be exceedingly unwise to throw open the question of new taxation to be substituted for that removed, without the prospect of parties agreeing upon the kind of taxation to be adopted—deliberately to put in peril the safe and secure position which, by the goodness of Providence, we occupied, as regarded the state of our finances and of our public credit, when the financial condition of so many of our neighbours was the source of infinite alarm and danger to them. It would be an act of little less than political suicide. He treated the resolutions as a whole. It would not become the representative assembly of this great country to palter about 10,000*l.* or 20,000*l.* when the question was one of public credit and character; and he called upon the House to negative as a whole the propositions of his right hon. Friend.

Mr. HUME thought the right hon. Gentleman the Chancellor of the Exchequer had not fairly met the question. For himself, he had never heard any reference made to the doctrine of repudiation without protesting against it. He could assure the right hon. Gentleman that he entertained as warm a desire to maintain the public credit as himself, being convinced that any attempt to interfere with it would be attended with the most serious results. But the premises on which the right hon. Gentleman had asked the House not to agree to this resolution were not correct. The right hon. Gentleman had truly said that there was a general concurrence on the part of the House when he proposed the mode of dealing with the surplus. That was in respect to some of his propositions. He (Mr. Hume) considered the repeal of the brick duty a proper reduction, but he objected to applying any part of the surplus in reducing the national debt while such taxes as the window tax, and the taxes which were referred to in the present Motion, remained. It was, besides, absurd to talk of applying such a surplus to the reduction of a debt of 900,000,000*l.*, and that at a time when the public were calling for relief from those burdens which pressed heavily upon them. The right hon. Gentleman had not fairly stated the position of the finances. He had stated that during the three years and a half he had been in office he had had to contend against the famine in Ireland, commercial distress in this country, and the continental troubles, and that these were causes beyond the control of Government, which had produced a deficiency in the three previous years. But he (Mr. Hume) contended that that deficiency was the fault of the Government, who had gone on increasing the expenditure by adding to the public establishments while the revenue remained the same. It was the extravagance of the Government which had led to the deficiency. Now, the Motion of the right hon. Member for Manchester went merely to the effect of withdrawing the advertisement duty and the duty on paper, and certainly the speech of that right hon. Gentleman was most able and convincing. He (Mr. Hume) must say, that often as he had heard the question of taxes on knowledge discussed in that House, he had never heard so convincing a speech in favour of the repeal of those taxes as he had now listened to, and he hoped that that speech would be duly weighed by the country. He considered the speech of great importance at the present time, because the Government were expending large sums of public money—money which might be rendered applicable to the promotion of instruction and education, but which was rendered inapplicable to that or any other useful purpose, so long as taxes were increased. The right hon. Mover of the resolutions had stated the means by which bad impressions and dangerous opinions were allowed to be circulated without any antidote, and, therefore, the question deserved the most attentive consideration, whether the existing state of things should be permitted to continue. He (Mr. Hume) thought it would be a discredit to the House, at such a time as the present, to allow the taxes on knowledge to be any longer imposed. It was a reflection on the House to allow the window tax to continue, seeing that such large sums of money were being expended to promote sanitary improvements. In the same manner it was discreditable to them to continue the taxes on knowledge, seeing the evil effects which those taxes were producing. What was the alternative of the Chancellor of the Exchequer? That right hon. Gentleman had told the House that he was now called upon, by this Motion, and the one which followed it upon the Paper, to remit two or three millions of taxes. And perfectly right, too. He (Mr. Hume) would remit them at once. "But, then," said the Chancellor, "you have voted the principal taxes already, and now you are calling for the repeal of others." It was not the first time that taxes were voted which were not expended. When the Treasury possessed, as at present, upwards of 4,000,000*l.* of money more than was required for the public service, was he (Mr. Hume), or was any other hon. Member who supported this Motion, risking the good faith of the country by asking for a reduction of the taxes on knowledge? Those who voted for the principal taxes, and now desired to knock off others, might be acting an inconsistent part; but he was guilty of no inconsistency, inasmuch as he had opposed many of the votes hitherto passed. Let the House recollect that whenever taxation was abolished, great elasticity followed. He believed that the paper manufacture would be one of the most important branches of trade in this country, if the shackles by which it was crippled were removed. He believed that if they gave freedom to the capital and enterprise embarked in it, we should have paper manufactured by England for the supply of the whole world, for nowhere was that article so well or so cheaply made as in this country. No less than half a million a year was paid for old rags to make paper. But the manufacture was now confined to our own country, whereas, if we were allowed to do that which other countries did, we might, by a proper admixture of the materials formerly used with the improved materials now used, prepare a manufacture so excellent and so cheap that it would command a sale in other parts of the world. It ought to be known that many branches of our trade would be considerably relieved by the removal of the paper duty. The ironmongery trade, for instance, was one of these. The very paper wrappings of articles of ironmongery amounts to 5 and 7 per cent upon the value of the articles themselves. See, then, what an impediment to that trade would be removed if the price of paper were reduced one-fourth by the remission of the duty. He maintained that that remission would tend to increase the profits of the manufacturer in almost every branch of trade. The advantages in such a case would not simply be confined to knowledge—though the advantages in that respect alone ought to be sufficient to induce the House to remit it—but the supply of paper at a cheap rate would be beneficial to the linen, woollen, and iron manufacturer, and the home manufacture of the article would besides, as he had said before, circulate throughout the world. He had accompanied a deputation to the noble Lord at the head of the Government on this subject; and he was sure the noble Lord would admit the strength and importance of the facts stated to him on that occasion. He (Mr. Hume) was not himself aware of the vast importance which would result from the removal of the taxes on paper, until he heard it from the lips of the deputation. One manufacturer from Birmingham stated that no less than 10 per cent of the value of his articles would be reduced by the repeal of the paper duty. There were scissors, he said, made for a halfpenny a piece, and, when they were put up in dozens in double paper, the cost of the paper almost exceeded the value of the article. Of what immense value, then, would the removal of the paper duty be to manufacturers of that description. He believed the loss anticipated by the Chancellor of the Exchequer from the removal of this duty would not be realised, and that the elasticity which would be given to the various trades by its removal would compensate in a great degree for a portion of the loss which might be sustained. Was it not fit and proper to take away those impediments which interfered with the comforts and profits of the people? The Chancellor of the Exchequer had complained of the attempts made to repeal the window tax; but had he taken into account the vote the other night respecting the African squadron?—and was he not risking the credit of the country by keeping up that establishment? Again, of what use was it to keep a squadron running up and down the Mediterranean, nobody knew for what? He was perfectly aware that the Government had a right to complain of the House for supporting these establishments, and for now seeking for reductions at home; but they must, nevertheless, recollect that a grievous injury would be done by the continuance of the tax upon paper. It was impossible to put that injury in a stronger point of view than had been already done by the right hon. Member for Manchester. Let the Government renounce their large military establishments, and let the expense attendant on these establishments be saved, and then ample means would be found for repealing the window tax and the taxes on knowledge. Allusion had been made, in the course of the debate, to the Motion of which he (Mr. Hume) had given notice for that night, for the removal of the remaining import duties. But the answer upon that point was very simple. The House had adopted the principle of free trade. The agriculturists of this country had been exposed to competition from the whole world, and they had been saying that if they were to have free trade it ought to be carried out in everything. He had moved for a return to show the exceptions from that principle. The great art was to move for a return, in order that hon. Gentlemen might see effects placed before them in pounds, shillings, and pence. We had not free trade at present. We were only carrying on a fettered trade. But let his suggestions be adopted, and we should, indeed, enjoy free trade, and every interest would flourish. Therefore, he entreated of the House not to listen to the right hon. Gentleman the Chancellor of the Exchequer, but, on the contrary, to listen to his (Mr. Hume's) advice. His advice was this—that as the country was borne down by taxation, and that as the taxes now were 7,000,000*l.* or 8,000,000*l.* more than were necessary for the wants of the country, those obnoxious imposts ought immediately to be removed, relief ought to be given, and means ought to be supplied for imparting instruction and knowledge, and thereby removing pauperism and ignorance and crime. This was the way to lessen existing evils. If the taxes were removed, then Government would be obliged to withdraw the squadron from the coast of Africa, and to abolish all unnecessary expenditure. He should cordially support the Motion, anxious as he always was to support the credit of the country, to diminish useless expenditure, and to limit burdensome taxation.

Mr. EWART said, he was anxious to correct an observation which had fallen from the right hon. Gentleman the Chancellor of the Exchequer relative to the speech of the right hon. Member for Manchester. The latter right hon. Gentleman had laid down two preliminaries. One was the general rule that our first object ought to be to enlighten and instruct the people; and the second was, that, as the Chancellor of the Exchequer had a surplus, the stamp duty and the advertisement duty ought to be removed. The right hon. Gentleman had not pledged himself to remove 1,300,000*l.*, as the Chancellor of the Exchequer seemed to think, but he certainly would remove taxes to the amount of 300,000*l.* Now, if the men of property in this country desired to secure the affections of the people, they would submit to a greater degree than at present to a direct system of taxation. No one would be so utopian as to propose that there should be a total change of system effected; but by submitting to an increased tax on property, there was no doubt that much general good would be produced. The extension of labour, and the removal of taxes on imports, were the means by which the future policy of this country ought to be supported. He thought it would have been wise had the Chancellor of the Exchequer made an approximation toward the reduction of the taxes on knowledge—for instance, if he had abolished the 150,000*l.* advertisement duty. But, as it was, the repeal of the whole of the taxes on knowledge would now be sought for, and the time was fast approaching when the paper duty, the advertisement duty, and the duty on books must be abolished. He thanked the right hon. Member for Manchester for the admirable speech he had that night delivered. That speech had exhausted the subject. Nobody could have listened to it without being convinced that the tax on knowledge was a tax on the raw material of the mind, one similar in its injurious effect to the window tax. An American witness, who had been examined before the Committee last year, said that the first thing which struck him on arriving in this country was the small number of readers that were to be found; and he observed that in America everybody attempted to read, because there were no taxes on knowledge in that country. It was a most difficult thing to introduce any system of education into England, because of the religious differences which prevailed; but if the people were given the means of educating themselves, they would learn with surprising facility, and by the cultivation of their own minds they would master instruction far more quickly than they could at school. Our colonies were better off in this respect than we were in England. In Halifax, Nova Scotia, the circulation of newspapers was infinitely greater than in England, in consequence of there being no taxes on paper or advertisements. Steele, in the *Spectator* of August, 1712, had pathetically lamented the effects of the paper and stamp duty which had crushed that journal. The stamp duty in Steele's time was 4*d.*, and so it had continued until Lord Monteagle wisely saw fit to reduce it to one penny. Newspapers were no longer now what they were in the time of Swift. They were then a luxury, they were now a necessity; and it was remarkable, that even the excise commissioners in their report had adverted to the advantages which would result from the total repeal of the duty upon these publications. He did not believe, from all he had observed, that any great evil was likely to arise from unstamped papers. The writings, for instance, in *Chambers' Journal*, *Eliza Cook's Journal*, and such papers, reflected honour on those who penned them, and on the taste of those who read them. The House would recollect the excellent effect produced by the repeal of the duty on almanacks. When first he entered that House there was a duty of 1*s*. 4*d*. on almanacks, and at that period they were despicable publications, abounding in fanciful prognostications as to future events. Lord Althorp took off that duty, which amounted to 27,000*l*. a year, and immediately an improvement was observable in them, which had gone on until now they had become admirable sources of information. Formerly they were published in the Isle of Man, in order to escape the duty, and then circulated in this country; and he recollected that his former constituents at Liverpool had complained to him of the plan adopted, by which the impost was then evaded. He believed that the same beneficial results which had followed the repeal of the duty on almanacks would follow the repeal of the duty on newspapers. He thought it unjust that local papers, which seldom passed through the Post Office, should pay as high an impost as the London papers, which were circulated in a great measure by post. But he sought for the abolition of the tax altogether on London and provincial journals. He supported the Motion most cordially, because he wished to see the press emancipated from the fetters by which it was enchained; and he entertained a sanguine hope that, though the success of the Motion might be retarded for one year, or for two, it could not be delayed for many years.

Mr. AGLIONBY said, he should feel obliged reluctantly to vote against this Motion, and his reason was this: He asked himself what would be the practical advantage to the country arising from this question? If he were asked whether the resolutions were in themselves reasonable and expedient, he would answer that no man—not even the right hon. Gentleman himself—was more pledged to the subject than he was. But what would be the effect of the vote at this moment? Suppose there was a large majority against the Motion, that would do an apparent damage to their cause in the face of the country. Suppose, on the other hand, the Motion were carried, that would damage the present Government. [An Hon. Member: It will strengthen them.] Why, if any Member of the Government were to tell him that they would be strengthened, and that they would like to be placed in a minority, he would help to place them in one with all his heart. But he must say he did not like to see the Government in constant minorities; and though he occasionally helped to place them there, it was always a matter of pain to himself; for he thought Members on his side of the House owed something to the Government, as, on the other hand, Government owed something to those who supported them; and he would like to see them occasionally concede a little more to their supporters, and not run their heads against posts of their own making. It had been stated that this was rather an abstract proposition; that it had a reference to what should be done next year more than the present. But he must say he did not like abstract resolutions, and he thought it was a dangerous course to decide this year on what they should do the next. If the question had been put to him at the proper time, he should certainly have preferred the abolition of these taxes—of the window duties to the remission of the brick duties; and he was ready to pledge himself on every future occasion that he would do his utmost to suppress the African squadron and other extravagances, and thus prepare the way for the remission of these duties in a future year.

Colonel THOMPSON said, the speeches of the Mover and Seconder had convinced him of what he knew before, that what were popularly called the taxes on knowledge, were among the very first which the Chancellor of the Exchequer would do well to remove. But when he looked at what had taken place only twenty-four hours ago, he was reminded of a homely proverb which said, that "nobody can eat his cake and have his cake." Last night would have been the time for Members with whom he generally voted, to have supported the removal of at least a portion of what the greater part of the population of the country considered a crying evil, the unequal rate of the taxation. But, instead of that, they had joined in the representation that the rich were the only poor; they had coalesced in deploring the sufferings of men of large property, groaning under the infliction of "assignees, and mortgagees, and other uneasy things that end in ees;" and having chosen to do this, they ought not to wonder if they found an indisposition in the Chancellor of the Exchequer to agree in the Motion of to-night. He begged, therefore, by voting for the Motion, to be considered only as authenticating his belief that a duty of this kind was among the first the Chancellor of the Exchequer should look to. But he saw no policy in checking that servant of the public in his aspirations for the amendment of taxation, as was done last night. Perhaps he was from a contracted school; but he had great faith in the effect of acting in concert with those to whom the charge of public affairs was delegated. On one other point he felt bound to remark. He could not comprehend the policy of perpetually hampering the proceedings of what was called the liberal party, with the determination to restore the slave trade on the coast of Africa. For his own part, he had no transactions which the African squadron was likely to impede. He never met it, and it never met him. A few nights ago, he believed a vote might have been carried against the window tax, if it had not been for the impolicy of connecting it with the removal of the African squadron; for there must have been more than three Members in the House, who, after the connexion avowed with the restoration of the slave trade, felt doubtful whether they could with propriety vote for the removal of the window tax in such company. He wished Members on his side of the House would show a little more insight into consequences; but he verily believed no possible proposal could come from the other side, baited with the prospect of taking twenty pounds from the Chancellor of the Exchequer, which hon. Gentlemen would not be induced to nibble at.

Mr. ROEBUCK said, he would commence his observations with the proceedings of his hon. and gallant Friend who had just sat down. He (Mr. Roebuck) had watched him on the preceding day, and had seen him going out of the House to vote for the negative, when they were going to vote for that question which he thought so extraordinary. It seemed to his hon. and gallant Friend to be bad political economy to have commenced as they had done with the Stamp Act. He hoped no hon. Gentleman would take offence at his mentioning the word. He assured them that political economy was a science which it would do them a great deal of good to study. But he was somewhat surprised that his hon. and gallant Friend should be so startled by the result of the last night's division and debate. What was it but an attempt to raise a revenue in the least mischievous form in which a most mischievous revenue could be raised? It was enabling the country to derive from the whole community a tax which ought never to have been charged in the smallest possible proportion for each, and to raise the same revenue by spreading it over the largest possible number of persons. If his hon. and gallant Friend could find any fault with such a mode of procedure, he would be most willing to derive instruction from him. But now let the House attach itself to the question before it. And what was it? He had heard a song sung by the Chancellor of the Exchequer that night. It was a melancholy song, he allowed, but it was the usual one. He had never yet heard a Chancellor of the Exchequer (and he had had experience of a good many) singing any other. He had always heard the same explanation given. Whenever anything at any time was proposed about the repeal of a tax, the Chancellor of the Exchequer always resisted it as something monstrous; his gorge rose at the bare idea of parting with a tax; he treated it as something calculated to destroy the whole fabric of existence—as equivalent to a proposal for altering the position of the stars. No matter how important the object to be gained, the Chancellor of the Exchequer would meet all arguments by telling them that the effect would be 50,000*l.* less in the Exchequer, and he would proceed to prove this as if it were as plain as that two and two made four; but he (Mr. Roebuck) would tell those right hon. Gentlemen that that was not good political arithmetic; it was difficult, however, to persuade such Gentlemen that their calculations were not infallible. When they showed that there might be 50,000*l.* less in the Exchequer, they evidently thought that they had done all that the occasion required; that they made out the whole case. But with what was the House now called upon to deal?—with a measure for instructing the great mass of the people. That, he submitted, was a matter for the noble Lord at the head of the Government, and not for the Chancellor of the Exchequer. The question with which the House had to deal was, what effect the tax produced upon the education of the whole community? The House now had the instruction of millions under their consideration—millions who were no longer to be controlled by bayonets or soldiers, but who might be influenced by moral control; if not under moral control, they were strong to mischief; but when the condition of such numbers was at stake, of what importance were mere fiscal considerations? The Government reposed in mistaken security on a volcano if they resisted the instruction of the people. Their power for good would be immense if well directed. He would say, let the instruction of the people, then, be entered upon as an important and urgent duty; for he was tired and sick of hearing it called a work of charity. To talk of "charity" in this manner was an insult. Give the people the means of instruction, and they would not ask that House for charity. Let them acquire knowledge, and they would not need the assistance of that House in acquiring the means of subsistence. Now, an Administration that wished to be called a liberal Administration, which did not put its whole faith upon the mere holding on to place, but which had its purpose and object in raising the people on whose enthusiasm it had hitherto traded, such an Administration would have been the first to strike down all fiscal regulations and restrictions upon the education of the people. But the Administration of the noble Lord at the head of the Government was not of that character. That noble Lord had hung on to place. He had not sought to raise the people by instruction. He had wished to tide over the difficulties of his position, and had not sought to raise the great body of the people who had supported him hitherto. ["Hear, hear!" *and a laugh.*] He (Mr. Roebuck) did not care about Gentlemen on that (the Opposition) side of the House, and he could assure Irish Members who laughed, that they were many centuries behind the time. As to the pretence of some hon. Members around him that there was a probability of resuscitating protection, it was idle. Let them once attempt it, and we will put them under our heel. No Prime Minister in this country had ever enjoyed a position like that of the noble Lord. He had nothing to apprehend from the opposition in that House, and such a tide and flood were rolling on, that if the noble Lord rightly understood the people he would be omnipotent for good. But the noble Lord had a narrow spirit. He had a contracted mind. There was a boldness about the noble Lord he always liked—a courage, when he fancied he was right, that he always admired. But he often saw him falter when the noble Lord thought himself to be wrong, and he did not believe he had courage when he was wrong. He made this appeal to the noble Lord because he believed these noble qualities existed in him, and he called upon him to avail himself of his high opportunities to take the flood as it was rolling, and he might accomplish everything with a great people at his back. But let the noble Lord believe him, that if he did not, the flood would roll on and overwhelm him, and the noble Lord would be as nothing in the vast multitude of the waters that would surround him. He (Mr. Roebuck) believed that no proposition that had yet been made for a reduction of taxation had been more equitable than that proposed to-night. It might seem an exaggeration to say so, but he knew that thousands and millions of the people of this country were now rising up and asking for education; and if the House did not give them the right education, they would receive an education from the Socialists and Economists on the other side of the water. Having no right education afforded them, they would take the wrong, and the Government would be unable to command them. These masses would understand the power they would derive from combination. They will put you down to a certainty; but they won't know how to direct their power for the good of mankind. There were 30,000,000 on the other side of the water, quite equal to those he was addressing in intelligence, and yet did they ever see such a rope of sand as France was at the present moment? And why was this? Because these masses, who were now the governing power in that country, were destitute of the instruction that we wanted for the great body of the people here. Hitherto electoral power had been exercised by a very small portion of the population of this country; but the multitudes were rising up, and that House could not prevent their having power. He intreated them, therefore, to encourage those whose office it was to instruct the people to communicate freely with them, without being hindered by fiscal restrictions, so that knowledge might be conveyed to those who must and would possess power which they hitherto had not enjoyed. He said, "For God's sake allow us to give instruction to the vast multitudes who are destined to exercise power in this country." Don't let, then, the Chancellor of the Exchequer, when a question like this was discussed, put forth any narrow views of his, and say that 50,000*l.* of revenue were at stake. He appealed to all persons who knew the state of Europe at this moment—who knew what was going on in France, in Germany, and in Italy—and he asked them what was the cause of the present disturbed and dangerous state of affairs in those countries? It was, that the people were suddenly placed in the possession of political power, and came to exercise it without any previous political instruction. Well, that was the position that the people of England were about to occupy. He saw opposite to him—on the Ministerial side—many Gentlemen who represented large constituencies. He did not see any on his—the Opposition—side of the House. But what had such Members to meet when they went among their constituencies? Why, communist doctrines. When they went among their fellow-citizens, they were asked to support communist doctrines. He knew that Gentlemen on his side of the House did not meet with such persons. They were elected by "gentlemen," but they might depend upon it they would enjoy a short-lived existence. The thing was coming—they could not prevent it; the people of this country were excited, and they inevitably would have, and were about to have, political power. He had always supported a large increase of the franchise; he had done so with his eyes open, but he had done so in the hope that the Government would not put themselves in opposition to the education of the people. There was nothing pleasant to contemplate in the spectacle of an uneducated, excited, and ignorant multitude possessing the power of this vast empire. But they must and would have it, and he addressed himself to those who had in their hands the mighty interests of this kingdom, and he called upon them to discard these petty conceptions, to be no longer a Ministry clinging to power, to expand and exalt their minds, and to say to those who directed public opinion in this country—"We are about to raise the people to exercise and appreciate the great business of empire; the tide of time will raise them up to that position; we cannot prevent the consummation; but we are about to instruct the millions of our countrymen to understand their own interest, and, understanding it, to minister to the interest of mankind." Let this be the language of the Government, and let no narrow views interfere with the great proposition of the right hon. Gentleman the Member for Manchester.

Lord J. RUSSELL was certain that those Members who were not in the House at the time when his right hon. Friend the Chancellor of the Exchequer spoke, could hardly have any correct notion of the speech of his right hon. Friend from the representations of the hon. and learned Gentleman who had just resumed his seat. He asked the House to raise themselves above mere fiscal views, and to consider this subject with the greatness that belonged to it; but he (Lord J. Russell) must think that the view taken by his right hon. Friend the Chancellor of the Exchequer was the more important one, and one upon which the decision of the House ought to depend. His right hon. Friend alluded in his speech to the proposition made after he had brought forward the financial statement of the year, and to the taxes which he had proposed to abolish, and he had stated, that after paying off an annuity of the value of 200,000*l.*, which it was desirable to get rid of, he did not think that he should have a margin of more than 400,000*l.* in the whole estimates for the financial year. His right hon. Friend then adverted to the various propositions that had been made for the reduction of taxation. He alluded to the proposal to take off the window tax, amounting to 1,800,000*l.*; he had considered as a whole the proposition now before the House, and involving a revenue of 1,300,000*l.*; and he adverted to a proposition of the hon. Member for Montrose, which stood for to-night, to reduce the duties on various articles of agricultural and manufacturing produce, amounting to 1,500,000*l.* These proposals altogether dealt with taxes amounting to 4,600,000*l.*, and his right hon. Friend said if the House, without considering the scope of all these various propositions, should take them piecemeal, and vote them when they had only a surplus of 400,000*l.*, they would, after having got over their financial difficulties, find themselves again in embarrassments, and instead of a position safe, secure, and honourable, they would descend to a position unsafe, insecure, and injurious to the credit of the country. Now, such being the view taken by his right hon. Friend the Chancellor of the Exchequer, he confidently asked the House whether this was a petty view to take of this question? And when the hon. and learned Gentleman told him of revolutions, and of the state of neighbouring countries, he would reply that he knew no cause more fertile in revolutions than that mismanagement of the finances which reduced the revenue of neighbouring States far below the expenditure, and which had brought on national bankruptcy, and in its train national revolution. Well, if that were the case, the warning ought not to be thrown away, and his right hon. Friend had, he contended, taken an enlarged view when he asked the House to consider these various propositions as a whole, and, when they were dealing with the stamp duties, the window tax, the paper duty, and the duty upon advertisements, to consider, not the particular defects of the tax before them, but how the abolition and reduction of the tax might affect the credit and the best interests of the country. He agreed with his right hon. Friend in these views. But the hon. and learned Gentleman said, the whole fault was that he (Lord J. Russell) had a contracted mind. He could not help the censure of the hon. and learned Gentleman. So it was, and so it must be. He could not rise to the heights of the hon. and learned Gentleman's magnificent sweep; but he trusted that he was not unfavourable to the progress of knowledge, and to the reduction of these duties when it could be done. The duty, however, which the Government had now to perform was to uphold the credit of the country; and it therefore behoved the Chancellor of the Exchequer and the Ministry to place such a statement of the financial condition of the country before the House, as should prevent the House from injuring public credit. The hon. Member for Montrose had claimed credit for being consistent, and no doubt he had proposed that great reductions should be made in the naval and military establishments. But a great majority of the House had voted the principal items of these establishments. They considered it dangerous in the present state of Europe and of the world to leave this country defenceless, and he concurred in the wisdom of that opinion. Well, but then the Government were unable to effect these reductions and still to preserve the balance between the income and expenditure. Some hon. Members said that no mischief would happen if the income were reduced below the expenditure, because by the imposition of a duty upon certain articles of import, the Government might gain a revenue more than sufficient to replace the revenue they might lose. But the majority of the House considered such a proposal to be a return to a vicious system, and it was rejected by the House. So that here were different Members with different views concurring in particular votes who could neither agree in their plans of reducing the income to the expenditure, nor as to the mode of raising the expenditure to meet the income. And thus, again, by this process the House would find itself in a discreditable financial position at a moment when there were no difficulties of a financial kind before them. With regard to this particular tax, he was not disposed to say much. He would admit to the hon. Member for the city of Edinburgh, who seconded the Motion, that when gentlemen came to him as a deputation, to state their reasons against any particular tax, his lips were "congealed," as the hon. Member stated it, on the subject. He did not think proper on those occasions to express agreement with them in the objections which they urged; yet there was hardly a deputation that came before him, whether with reference to the Customs' duty on tea, or the duties on soap, or this tax on advertisements, or on windows, that had not admirable reasons to bring forward to show that the particular tax was injurious to the country. He could not well argue with them and dispute their statements; but, on the other hand, if he were to say they were right in asking for the abolition of the tax, he would very soon be taunted in that House with not coming down and proposing its abolition. He did not think that he and his colleagues had shown, particularly of late years, any indifference to the evils which were inflicted by these taxes. He found that, in 1833, the duty on advertisements was reduced from 3*s.* 6*d.* to 1*s.* 6*d.*, by Lord Althorp, one of his colleagues, who announced that he would thereby cause a loss to the revenue of 75,000*l.* Lord Monteagle, also one of his colleagues, in a subsequent year, reduced the duty on newspaper stamps 309,000*l.*; and by reducing the duty on the higher class of paper to the same amount as on the lower, incurred a loss of 394,000*l.* Thus a sum of 778,000*l.* had been reduced by Governments with which he was connected on the very articles on which his right hon. Friend the Member for Manchester proposed to make the present reduction. That at least showed that they had not been indifferent to the evils caused by these taxes, and that so far as such taxes were concerned — supposing that among all the variety of taxes there were none more objectionable than these—they would be ready to abolish them if their own merits were alone concerned. But, at the same time, he thought that in the able speech which his right hon. Friend had made, there was an exaggeration of the benefits to be derived from the abolition of these taxes. He thought the very phrase used, "taxes on knowledge," was itself an exaggeration. The hon. Member for Montrose said very truly that a great part of the evil complained of by the deputation which waited on him was the increase caused in the price of packages of goods packed up in paper parcels. But that any diminution of knowledge was caused by goods being packed up in such paper would surely not be contended by any one. Then, with regard to the newspapers, he certainly thought it very desirable that the people in general should have political intelligence conveyed to them, and when they were able to buy the newspapers, that they should, by means of them, be made acquainted with all the political concerns of the country. But there was much matter contained in many of the newspapers that could hardly be dignified with the name of knowledge; and that they deprived the people of knowledge by the tax on newspapers was what he was not prepared to admit. His right hon. Friend the Member for Manchester had shown the mischief of the unstamped papers; but they seemed to him (Lord J. Russell) to be so like some of the articles in the stamped newspapers that he scarcely knew the difference. There was a character of Earl Grey in one of them that he almost thought was written by Jacob Omnium, or some of the writers in the daily papers. For his part, he could not very much distinguish the difference in the style which the right hon. Gentleman wished to point out. The Government did not, as one of the deputations told him, keep on this tax to prevent knowledge being acquired and conveyed by the newspapers. He felt no apprehensions of that kind; but he believed that if the tax were taken off it would make little difference in the papers. The reason why the *Times* and other papers were charged so high as 5*d*. of which only 1*d*. was stamp duty—was that they put themselves to an immense expense for intelligence. A gentleman connected with one of the daily newspapers told him that the foreign express from Paris alone cost the establishment with which he was connected 600*l*. a year. The desire to obtain early intelligence, and the desire of the public to have that intelligence speedily communicated to them, was the cause of the high price of newspapers, and not the penny stamp. It was not to be said that he considered these to be taxes which it was desirable to maintain; it was only that he must decline entering into a pledge that these were the taxes that were to be abolished before any other. The hon. Member for Montrose spoke against these taxes certainly; but when he spoke against the window or the soap tax, he said all sanitary measures were useless unless they were abolished. He admitted that these were good arguments against those taxes, which, no doubt, did interfere to a considerable degree with the health, enjoyment, and means of cleanliness of the people at large. They were objections at least as strong as those urged against the taxes on knowledge. But then the hon. and learned Member for Sheffield said the Members of the Government had contracted minds, that they were about to fall into great dangers, and that the state of France was before them to show the nature of the perils they were likely to undergo. The present state of France, however, was not owing to any excessive price of newspapers, nor to any want of general instruction among the people. He was told that for a halfpenny they might obtain a newspaper at Paris full of the most ingenious epigrams and the cleverest writings, together with the intelligence of the day. Schoolmasters were spread throughout France, but, unfortunately, a great part of the newspapers contained attacks, not merely on the Government of the day, but on all Government; they were newspapers that endeavoured to make government impossible, and they were schoolmasters that endeavoured to make religion odious. He would say, then, that if they had cheap newspapers which endeavoured to make government impossible, and if they had schoolmasters that endeavoured to make religion odious, he could more easily explain the state of France than he could wish for our imitation of the course which they pursued. He did not believe, with the hon. and learned Gentleman, that the people of this country had but lately been admitted to any share of power. They were a people long accustomed to political discussion; they had been long accustomed to know and take part in the political events of their country. The men of England had their hearts full of the victories of England, and they were men who had been proud of their loyalty to the Throne of England. They were men who loved the religion of their country; and, having that feeling, they had watched with anxiety and care every turn of the events of their country; and while they had hailed some Ministers with admiration and enthusiasm, they had been as ready to condemn others for their incompetency and unfitness. The hon. and learned Gentleman told him and his colleagues that they cared for nothing but holding on to place. Why, it was but a few days ago that he was reproached by an hon. Gentleman for the part he took with respect to the measure for the suppression of the slave trade, and was told that he was maintaining and encouraging a great public mischief when he declared himself determined not to retain office unless his opinions, which were held to be rash and unfounded, were assented to by the House. He was ready to submit to either implication, not feeling conscious that he was guilty in either respect. So long as they could maintain the principles by which they thought the greatness of England had been founded—so long as they could maintain this country in the possession of those great benefits which she had the happiness to enjoy—so long as they could keep her in the pursuit of that path which had been placed by Providence for her course—so long would it be a matter of pride to them to be the foremost advisers of the Sovereign. If, however, it pleased the House to take a course which they thought dangerous and humiliating, or disgraceful to the country, then their names must be severed from the possession of power, and they would only have to lament that the country had taken a course which they should deem unfortunate. He must ask the House to reject the Motion of the right hon. Gentleman, and it was with all respect to him that he did so, agreeing as he did in many of the statements he had made with regard to these particular taxes. But this was not an occasion, this was not a time, when the House of Commons could lightly condemn taxes that were necessary to the support of their public obligations, and for the support of those establishments which they themselves had admitted were essential to their defence. That being the case, he asked the House to concur with him in the rejection of this Motion. He asked them to show in this country that they were determined to maintain its credit, and to be worthy of the people whom they represented.

Mr. DISRAELI wished, in a very few words, to state the reasons which influenced him in the vote which he was about to give. The question before them was this—ought they to agree to the first resolution of the right hon. Member for Manchester, a resolution which proposed to remove the excise from paper? That was the only question, he apprehended, on which the decision of the House was to be taken. He should not indulge in the general and somewhat impassioned views put forward by the hon. and learned Member for Sheffield, and the noble Lord the First Minister. They had both of them brought us to the Red Republic, and there he left them. Nor was it necessary for him to enter into the causes which, after a vast reduction of taxation, amounting to upwards of 9,000,000*l.*, consisting of imposts which formerly pressed on the trade and commerce of the country, still, year after year, and day after day, the burden of taxation was felt to be more and more grievous and oppressive on that trade and commerce. Neither, like the noble Lord, should he remind the House, and especially his hon. Friends around him, that if they took any steps, when their constituents were loudly complaining of their burdens, to lessen the pressure of taxation, they must make up the deficiency by import duties. That was a point on which he should not now dwell, although it might offer an alternative not distasteful to him and those with whom he acted. All these considerations had really nothing to do with the somewhat hard and dry details under consideration. They were called upon to repeal an excise duty to the amount of 750,000*l.* per annum. Now, he could not view this question unconnected with the financial exposition of the Government, for the step which they might take that night was naturally connected with that financial statement. He held it, then, as a general rule that there were two considerations which ought to influence a financial Minister in dealing with that happy accident, a surplus. His first duty was to relieve any suffering interest in the country. If, however, the country were in that blissful state of having no interest of importance in great distress, his next duty would be to relieve all interests, by devoting the surplus to the reduction of the public debt, and so effecting a general reduction in the taxation of the people. Influenced by the conviction that these were the two considerations which ought to weigh with a public man when the Government were in possession of a surplus—and believing also that there was an interest, and that too the most important interest of all—not only suffering, but greatly suffering—that suffering having been recognised by the Government themselves—he had brought forward a proposition the object of which was to devote that surplus to the relief of the suffering portion of the community in question. What, under these circumstances, was the conduct of the Government? They opposed the proposition. They resisted the application of the surplus revenue to the relief of the interest with which he was connected. He had thus failed in his object—failed under circumstances which certainly brought to him, and to those who had supported him, no mortification. What was the subsequent conduct of the Government? Were they influenced by the second consideration in dealing with the surplus? Did they devote it to the reduction of the public debt, and, consequently, of the public burdens? They did not. They made a proposition which I am now justified in saying was most unsatisfactory to the country. They proposed the repeal of the excise on bricks — a proposition which, had he been present to hear, he should certainly have entered his protest against—but which was accepted by those to whom it was announced as relief, with utter derision. By this proposition, the announced surplus was reduced upwards of half a million; while, as for the balance still remaining—with the cheers of last night still echoing in the House—the cheers which proclaimed the discomfiture of the plan proposed for its absorption—he could only say that at this moment Government was actually in possession of a surplus revenue of one million. What, then, were they asked to do now? Why, to appropriate only a portion of that surplus to repeal the excise duty on paper. Before pronouncing any opinion upon that proposition, there was one observation which he wished to make to his hon. Friends around him. It was true that the proposal to repeal the excise on paper, as well as that which was made the other night to repeal the window duties, were not propositions which were immediately connected with the interests which they represented on that side of the House. But what he wished to impress upon his friends was, that there was nothing more dangerous than to make proposals for relief from taxation invariably questions between the country and the town. He objected to the arts which he had often witnessed put in practice by those who wished to convey to the public that the only idea which on that side of the House they had as regarded relief from taxation, was to remit the burdens most pressing upon the interest with which they were more immediately connected. The question of relief from taxation was—if any question could be so called—a general and national question. And, if at any time, on his side of the House, any proposal had been brought forward for the relief of any one class, it had been because it was universally conceded that that class was not only the most suffering, but the only suffering class. But the right hon. Gentleman, the Chancellor of the Exchequer, having declined to be influenced by either of the considerations to which he had referred in the disposal of a surplus, he found himself in this position—there was the Chancellor of the Exchequer with a surplus revenue, and there was also a proposition for the apportionment of that revenue. He (Mr. Disraeli) had then to consider whether it was most for the advantage of the country that the excise on paper should be repealed, or that the Chancellor of the Exchequer should be left in the possession of funds for the discreet exercise of which he (Mr. Disraeli) had no security whatever. For the Chancellor of the Exchequer, let it be observed, had not come forward at half-past four o'clock that day, and frankly told the House what he meant to do. He had not told the House whether or not he intended to go on with his measure on stamps, and he had therefore permitted the House to consider under the most favourable circumstances, the first proposition of the right hon. Member for Manchester. What was that proposition? Was there a man in the House who entertained two opinions on its abstract merits? Was there a man in the House who entertained an opinion different from that of the right hon. Gentleman himself? Different opinions might be entertained as to the effect of duties on advertisements or newspapers; but there was no financial evil abstractedly greater than an excise, while in the present instance it was aggravated because to the physical a degree of moral disadvantage was to be added. He would not now go into the details which the right hon. Gentleman had brought under the notice of the House, but this he would say, that when the expression of "taxes on knowledge" was sneered at by the Prime Minister as an empty and fantastical phrase, he, for one, could not so easily forget how the Messrs. Chambers had been compelled to give up a publication of which the circulation was 80,000 per week—a publication, one of the most instructive and rational which had ever appeared—a publication most conducive to the cause of good order, good morals, and good government, but a publication which was beaten out of the market by a Holywell-street journal, which exceeded it in circulation, and which from its excessive cheapness carried the town before it—devoted as it was to indecent and blasphemous purposes. Could they, then, do better in the present state of the revenue, with the resources which they had at their command, than to assent to the first proposition of the right hon. Member for Manchester? In his opinion it was a prudent, a politic, and a beneficial Motion. Were they to be prevented, then, from assenting to a resolution so justified by circumstances, so beneficial in its character and its results, by the ensanguined phantom of a revolutionary republic being conjured up before them, or by the possible catastrophe of a change of Ministry dimly hinted at in Delphic sentences? The House might be safely assured that they were not near any misfortunes of the kind. The observation of the noble Lord that the people of England were deeply educated in political knowledge and the practice of public liberty — an observation in itself just and true—the fact set forth in that observation was the best security at all times for the conduct of the people; while, after all they had seen in this somewhat eventful Session—especially as regarded questions of finance—after all those scenes, respecting, for instance, the African squadron, to which, had they not been touched upon by the noble Lord himself, he (Mr. Disraeli) had intended, from motives of delicacy, not to have alluded, but which, as he could see from the uneasiness at once apparent in the faces of hon. Members opposite, had thrown a somewhat darksome tint over the liberal benches—after all that they had witnessed last night, and all that they were likely to witness upon future nights—let not the House be frightened from taking the course justified by circumstances—a course which really involved no wild conduct whatever—the course which the state of the Exchequer and of public opinion alike vindicated—but let them, on the contrary, support, as he should support, the first resolution of the right hon. Gentleman the Member for Manchester.

Question put. The House divided:—Ayes 89; Noes 190: Majority 101.

List of the AYES.

Adair, H. E.
Adair, R. A. S.
Alcock, T.
Baillie, H. J.
Bennet, P.
Beresford, W.
Best, J.
Blair, S.
Blewitt, R. J.
Boldero, H. G.
Booth, Sir R. G.
Bright, J.
Bruen, Col.
Chatterton, Col.
Cobden, R.
Cole, hon. H. A.
Compton, H. C.
Conolly, T.
Crawford, W. S.
Devereux, J. T.
Disraeli, B.
Dod, J. W.
Duncan, G.
Duncombe, T.
Edwards, H.
Ellis, J.
Ewart, W.
Fagan, W.
Fellowes, E.
Filmer, Sir E.
Forbes, W.
Fox, W. J.
Galway, Visct.
Granby, Marq. of
Greenall, G.
Greene, J.
Guernsey, Lord
Gwyn, H.
Hall, Sir B.
Hastie, A.
Heyworth, L.
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Hope, H. T.
Hume, J.
Keating, R.
King, hon. P. J. L.
Lawless, hon. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Long, W.
Lushington, C.
Mackenzie, W. F.
M'Gregor, J.
Manners, Lord J.
Marshall, J. G.
Molesworth, Sir W.
Mowatt, F.
Mullings, J. R.
Mundy, W.
Naas, Lord
Nugent, Lord
O'Brien, Sir L.
O'Connor, F.
Pechell, Sir G. B.
Pilkington, J.
Portal, M.
Prime, R.
Ricardo, J. L.
Roebuck, J. A.
Rushout, Capt.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Seymer, H. K.
Smith, J. B.
Stanford, J. F.
Stanley, hon. E. H.
Stuart, Lord D.
Stuart, J.
Thompson, Col.
Thompson, G.
Trelawny, J. S.
Vyse, R. H. R. H.
Waddington, H. S.
Walmsley, Sir J.
Williams, J.
Wyld, J.

TELLERS.

Gibson, T. M.
Cowan, C.

List of the NOES.

Abdy, Sir T. N.
Aglionby, H. A.
Anson, hon. Col.
Armstrong, Sir A.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Baring, T.
Bass, M. T.
Bellew, R. M.
Berkeley, Adm.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.

Blakemore, R.
Bowles, Adm.
Brockman, E. D.
Brotherton, J.
Browne, R. D.
Busfeild, W.
Campbell, hon. W. F.
Carter, J. B.
Chaplin, W. J.
Childers, J. W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, H. B.
Cobbold, J. C.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Coles, H. B.
Cowper, hon W. F.
Craig, Sir W. G.
Crowder, R. B.
Cubitt, W.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Egerton, Sir P.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Evans, W.
Evelyn, W. J.
Farrer, J.
Fergus, J.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Goddard, A. L.
Goulburn, rt. hon. H.
Grace, O. D. J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grovenor, Earl
Guest, Sir J.
Halford, Sir H.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heneage, G. H. W.
Henry, A.
Herbert, H. A.
Herbert, rt. hon. S.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hollond, R.
Hotham, Lord
Howard, Lord E.
Howard, hon. C. W. G.
Howard, P. H.
Inglis, Sir R. H.
Jervis, Sir J.
Johnstone, Sir J.
Jones, Capt.
Keogh, W.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Loveden, P.
Lygon, hon. Gen.
Mackie, J.
M'Neill, D.
M'Taggart, Sir J.
Mahon, Visct.
Mangles, R. D.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Monsell, W.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Norreys, Lord
Ogle, S. C. H.
Ord, W.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, F.
Perfect, R.
Pigott, F.
Plowden, W. H. C.
Plumptre, J. P.
Power, N.
Rawdon, Col.
Reid, Col.
Rich, H.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Scrope, G. P.
Seymour, Lord
Shafto, R. D.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, Lord J.
Stuart, H.
Talbot, J. H.
Tancred, H. W.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon, F. J.
Townshend, Capt.
Tufnell, H.
Vane, Lord H.
Verney, Sir H.
Walter, J.
Watkins, Col. L.
Wegg-Prosser, F. R.
Wellesley, Lord C.
Willcox, B. M.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Hill, Lord M.
Grey, R. W.

SAVINGS OF THE MIDDLE AND WORKING CLASSES.

MR. SLANEY moved for the appointment of a Committee, to suggest means for giving facilities to safe investments for the savings of the middle and working classes; and for affording them the means of forming societies to insure themselves against coming evils frequently recurring. Questions of this nature had not the same interest for the House as those in which party was concerned; he must therefore throw himself on the indulgence of the House for a brief period. There was nothing in the question to excite angry feelings, or to injure the credit of the country; on the contrary, the proposition, if fairly carried out, would support the credit of the country, and be beneficial to a large mass of the people. No one who had looked into the subject could doubt the importance of giving facilities for the investments of the middle and working classes. Its importance was threefold: first, it promoted contentment, excited industry, and stimulated enterprise; secondly, it would be the means of creating an increased fund of capital in the country destined to give employment to labour—a most important consideration at a time when so much difficulty was found in providing employment for all who desired it; and, in the third place, it would tend to decrease the burden of taxation, if not its amount, by increasing the wealth of the country. To increase that wealth, it was necessary that facilities should be given in order to stimulate the industry of the middle and working classes, which, from various causes, had not yet been done. It was calculated that the yearly increase of the capital of the country was equal to sixty millions, and he firmly believed that if suggestions were carried out, which should stimulate the investments and industry of the middle and working classes, that immense fund which was destined for the improvement of the country, for the employment of labour, and for the benefit of the community, would at least be doubled. He now merely asked for a Committee to consider the question, with a view to practical suggestions, such as might be beneficial to the working classes. He did not ask for any advantages for the working classes which were not enjoyed by other classes. He asked for the removal of those impediments and obstacles which stood in the way of an investment for their savings. If a poor man wished to invest 50*l.* in the purchase of land, or in a mortgage on land, the cost of stamps, investigation of title, and complexity of conveyance, cost him 20 per cent. A person belonging to the middle class having to lay out 500*l.* in the same way would have to pay 10 per cent, whilst a rich man wishing to lay out 5,000*l.* the cost was only 2½ per cent. He was desirous of removing this impediment and injustice, and of enabling the working man to invest his small capital in a safe and profitable manner. If a poor man invested in the funds he might have bought in when they were high, and his necessities might compel him to sell out when they were low. Besides, he would have to obtain a power of attorney to enable him to receive his dividend; and this would cost him as much for 10*l.* as if he had to draw 10,000*l.* a year. Then a poor man could not invest his capital in local enterprises, however beneficial or profitable, because the law of partnership was there to prevent him. That law made his whole property liable in case the enterprise turned out to be unsuccessful. But if his liability was limited, he had no doubt that many local works of great benefit would be undertaken which would return an ample profit. As an instance how the present law of partnership worked, he might mention that when it was proposed to establish a great lodging house for the humbler classes, with which he believed the noble Lord at the head of the Government, and certainly the Earl of Carlisle and others of high rank, were connected, and which was to return a profit to the proprietors, they refused to have anything to do with the concern unless their responsibility was limited; and it was only when a charter of incorporation had to be obtained that they joined and supported it. At the same time he should take care that there should be no fraud—that there should be responsibility to a certain amount of the capital paid up. Under the present system it was requisite to obtain an Act of Parliament to build a pier or to carry out any petty improvement, the cost of obtaining which was 500*l.* Now he would have a general Act applicable to such objects, as was the case with regard to the lighting and paving of towns, enabling the parties, upon proving their case, and complying with certain forms, to get an Act at a cost of from 20*l.* to 30*l.* That would be a great benefit to the humbler classes; it would stimulate industry and greatly increase the fund destined for the employment of labour. It had been proved before the Committee which sat in 1830 that the working classes suffered greatly from fluctuations in trade and changes in fashion, change of seasons, and other causes of a like nature. It was also proved that their earnings throughout the year would be ample enough to support them in comfort if they were properly distributed. This could only be done by investing their savings when they had full employment against the time when they would be thrown out of work. For this purpose the Friendly Societies Act had been passed; but a construction had been given to some words of that statute which deprived it of the beneficial effect which it was intended it should have. He did not ask the Government or the rich to give anything to the poor; he merely asked for some means by which the poorer classes could provide for their own wants in periods of depression by their own savings. It often happened in the case of fishermen, that they sustained great distress from the loss of their boats and nets. But, as the law now stood, they could not form an association for the purpose of replacing such losses. It would be a matter of great moment to such persons if they were allowed to form associations for such purposes. It was of the utmost consequence to the well-being of society and to the safety of the country that every facility should be given to the humbler classes to invest the earnings they obtained by their labour and industry; and with that view he begged leave to move for a Committee to consider the best means for accomplishing that object.

Motion made, and Question proposed—

"That a Select Committee be appointed, to consider and suggest means of removing obstacles and giving facilities to safe Investments for the Savings of the middle and working classes."

MR. EWART seconded the Motion.

Mr. LABOUCHERE said, he had great pleasure in stating, that he did not feel it necessary to oppose the Motion. No one could doubt that it was of the utmost importance, and he thought it probable that the Committee now asked for might be able to obtain important evidence on the various subjects to which his hon. Friend referred. But, at the same time, it must be admitted that they were difficult as well as important topics. It would, no doubt, be of great consequence to the working classes, if they could obtain land in an easy and advantageous manner; and he hoped that by law reforms, as well as by fiscal reforms, that House would promote so desirable an object. He knew, both from observation and experience, that the cost of the investments was a very great bar to persons of small means who desired to invest their money in land. With regard to the law of partnership which existed in this country, the question was one which involved considerable difficulty. He believed the opinions of Lord Ashburton, Lord Overstone, Mr. Palmer, and Mr. Norman, who were examined before the Committee of 1837 on this subject, were equally divided for and against the view advocated by his hon. Friend. He confessed, for himself, that he did not see how the present law of partnership could be altered, so as to allow persons to invest a limited capital on the principle of limited liability, without increasing the spirit of gambling amongst all classes of the community, which must lead to disastrous consequences both to the capitalist who might be induced to embark his money in a speculation over which he had but little control, and to the creditor who might be induced to deal with parties who had but a limited capital and a limited responsibility. With respect to the first portion of his hon. Friend's Motion, he had no fault to find, but he did not exactly understand that portion of it which the hon. Gentleman said was for affording the middle and working classes the means of forming societies to insure themselves against coming evils frequently recurring. He confessed he was quite at a loss to understand that part of the Motion. In Committee he would be glad to afford all the information in his power.

Mr. P. H. HOWARD said, there was a point as regarded investments, which he trusted would not be lost sight of by the Government. It was considered advisable to bring in a Bill the other day, to give greater security to savings banks; and nothing was more essentially required. At present many persons considered that savings banks were wholly under the protection of and secured by Government, which was not the case; and therefore, the sooner Government gave that safe and simple security to the depositor, the better for the people of this as also of the sister country. Nothing could be more discouraging to the first and very useful attempts to economise, than these disastrous failings of savings banks, one of which occurred in Cumberland not very long since. Therefore he trusted the Government would keep that point steadily in view; because it was most important when an institution which seemed to be guarded by every thing that an Administration could hold out, turned out to be grounded on nothing more than a foundation of narrow private credit. Trusting that his hon. Friend would not forget that, as also the building societies, in the formation of his Committee, he would not further detain the House.

Mr. SLANEY accepted the proposition of the right hon. Gentleman the President of the Board of Trade, to agree to the Motion on leaving out the last clause. If there was any obscurity in it, he could quote a high authority in its favour. "Coming events cast their shadows before them."

Motion agreed to.

APPOINTMENTS IN INDIA.

Mr. SADLEIR moved for a return of all persons in India receiving salaries, pensions, &c., by virtue of any recommendation or appointment by the President of the Board of Control. He thought it necessary to make a few observations, with a view to guard against misrepresentation as to the object that influenced him in moving for these returns. It was necessary to state to the House that by several statutes passed during the reign of George III., certain courts of justice were authorised to be established in the presidencies of the Indian empire; and to which judges should be appointed, selected from members of at least five years' standing at either the English or the Irish bar. It was worthy of remark that at the period of the Union, and when the Act of Union was publicly discussed, both in England and the sister country, one of the leading arguments urged in favour of the measure was, that, up to that period, although members of the Irish bar had, under those statutes, a co-ordinate right with English barristers to a direct share in the judicial patronage of the Indian empire, they were nevertheless excluded from any participation in that patronage. It had been also urged that one of the direct results of the Union would be to bring forward the just claim of the Irish bar to a share in that patronage; and that no doubt after the Union was carried it would be found that members of the Irish bar would be chosen from time to time, in a fair proportion to English barristers to fill the office of Judge in the various presidencies in India, the result being to unite England more closely with Ireland by a bond of common interest and identity. Now he felt it necessary to inform the House that since 1825, no appointment to the Indian bench had been made from the Irish bar; and he cautioned the right hon. Gentleman at the head of the Board of Control against denying the assertion, because it was made after much careful examination. There were seven Judges in India, and since the year 1825 no Judge had been appointed from the Irish bar. The bench in India, during the last twenty-five years, had been three times renewed, but always from the English bar. It was true that at the solicitation, and he might say at the demand, of a noble Lord who had filled the office of Viceroy of Ireland, the office of Chief Justice of India was offered to a member of the Irish bar, who had for twenty-six years been a member of that bar, and was at the time a leading practitioner in the Rolls Court. He alluded to Baron Richards, who now presided over the Encumbered Estates Court, and who was at the time but a few years removed from the bench, or was at least in the distinguished position that led to the Irish bench. Baron Richards very naturally declined to proceed to India, but the office was not offered to any other member of the Irish bar; it was immediately conferred on a member of the English bar. The gentlemen appointed had not been remarkable for their large practice, or for many years' standing at the English bar. They had seldom been of a standing at the bar beyond the period necessarily required by the statute. In answer to a question put by him last Session, the right hon. the President of the Board of Control informed him that in any future vacancy that might occur in the Indian bench the claims of the Irish bar should not be overlooked. That promise, however, had not been fulfilled, for the recordership of Penang had been the only post which had been conferred on a member of the Irish bar, that vacancy having been caused by the elevation of the former recorder to the Indian bench. During the period from 1801 to 1826, out of twenty-six Judges who had been appointed to the Indian bench, three only were made from the Irish bar, and of twenty-two appointments which had been made from 1825 to 1850, not one had been from the Irish bar. Such a mode of dispensing patronage was altogether opposed to the principle upon which they alone could expect to see continued a solid and permanent union between the two countries. His object in moving for the return was to obtain similar information with respect to other offices; and if the return were granted, he doubted not the same partiality would be disclosed with respect to other officers—a partiality which was most impolitic, and altogether opposed to the principles which ought to be carried out in the government of the empire. If only to satisfy the Irish people that the right hon. Gentleman had been just to Ireland in his dispensation of patronage, he hoped the right hon. Gentleman would accede to the Motion.

Motion made, and Question proposed—

> "That there be laid before this House, a Return of all persons in India receiving salaries, pensions, pay, profits, fees, emoluments, allowances, or grants of public money, by virtue of any direct or indirect nomination, recommendation, or appointment by the President of the Board of Control over the Affairs of India alone, or by virtue of any arrangement with the Board of Directors of the East India Company, and the dates of each such nomination, recommendation, or appointment respectively, from the 1st day of January, 1832, to the 1st day of March, 1850, excepting the Judges of the Superior Courts of Law in India; stating the total amount received by each individual in each year, and distinguishing the sources from which the payments are made."

Sir J. C. HOBHOUSE said, that if the answer which he gave to the hon. and learned Member was not so satisfactory as he could wish, or as the House might expect, a reason for it could be found in the speech just delivered by the hon. and learned Member. The returns for which the hon. Member moved, had reference to all patronage except that connected with judicial appointments, while his speech referred to nothing but patronage of this kind. It was impossible, therefore, for him to suppose, upon looking to the Motion, that a speech should have been made directed solely to the necessity of an inquiry into the exercise of patronage solely connected with judicial appointments. The words of the resolution were, "excepting the Judges of the superior courts of law in India." Was it possible, therefore, for him to suppose that the hon. and learned Member intended to make any complaint of the manner in which the judicial patronage had been exercised on the part of the Board of Control? He was perfectly prepared to show why the former part of the return could not be made, and had told the hon. and learned Member privately the reason why it could not be granted. The return would require the name of every cadet who had been appointed by any President of the India Board from 1832 to 1850; and it would be necessary to show where they now were, although it was clear that a great many of them could not be in the land of the living. As to what salaries they might now have, that fact had nothing to do with the pay they received on entering the service; and it would be necessary to send to all parts of India for information on this matter, connected as it was with many hundred persons—for the hon. and learned Gentleman also included the writers, and all other persons with whom the President of the Board of Control had anything to do, and also the salaries received by them. With every desire on his part to give what information he could, it would be impolitic for him to furnish these returns. He had no objection to show how he had disposed of the patronage of his office; but such a mass of information as that now called for would teach nothing. The hon. and learned Member said, the returns would show the same systematic exclusion of Irishmen from other offices in India, as was observable in regard to judicial appointments. It was not quite constitutional to inquire of a Minister of the Crown why he recommended an individual to the Crown for a judicial appointment, unless it should appear that such person had misbehaved. According, however, to the hon. and learned Member, he (Sir J. Hobhouse) was answerable not only for those he appointed, but for those he did not appoint; if that was to be the case, there would be no end of complaint of the disposal of the patronage of the Crown. He would, however, state what occurred after the hint the hon. and learned Member gave him on this subject last year, and with respect to which he now alleged that he (Sir J. Hobhouse) had forfeited his pledge. He did not allow many weeks to pass after this conversation before he wrote to the Earl of Clarendon, asking him whether he could recommend any gentleman at the Irish bar for an appointment to the India bench, in case a vacancy occurred. A vacancy did take place in the recordership of Penang, which the hon. and learned Gentleman, under great misconception, intimated was not a seat on the Indian bench. It was a settlement under the jurisdiction of the East India Company, and the appointment to the recordership was considered to give a good chance of a seat on the Indian bench, and the salary also was very considerable. In conformity with what he had just stated, as to the estimation in which the holder of the office of Recorder of Penang was treated, he might mention that he had recommended two gentlemen who had held that office to seats on the Indian bench—he alluded to Sir Edward Gambier and Sir Christopher Rawlinson. The hon. and learned Member had spoken as if it was a disgrace to hold that appointment, or to have it offered to a person. He only wished the hon. and learned Member had had the trouble to answer the very numerous letters in which application was made for it. When a vacancy occurred in the recordership of Penang, he had written to the Lord Lieutenant of Ireland, asking him to name any learned gentleman who would accept the offer if Her Majesty should be graciously pleased to appoint him to it. In consequence of this, a gentleman belonging to the Irish bar was recommended, and he (Sir J. Hobhouse) had every reason to believe that the gentleman in question would acccept the place. But when he came to London, this learned person made the same discovery as the hon. Member, that Penang was a penal settlement, and objected to go there. It was not intended to send him there for punishment. No doubt Indian convicts were sent to this place, as other convicts were sent to Van Diemen's Land, Bermuda, or Gibraltar; but no one ever thought that it was disgraceful to go to any of these places as a Judge. Upon the refusal of this gentleman, he (Sir J. Hobhouse) again wrote to the Irish Government, requesting that another gentleman might be recommended for the appointment. He received an answer, that a gentleman well adaped for the office was ready to accept it. After he had made inquiry into the character and acquirements of this gentleman, and was satisfied with the result, he recommended this Irish barrister for the office, and Sir W. Jeffcot was at this moment Recorder of Penang. Under these circumstances he did not think it was altogether fair, on the part of the hon. and learned Member, to say he had not fulfilled his pledges. The hon. and learned Member complained, however, that an Irish barrister had not been appointed to the Chief Justiceship of Madras, to which he had recommended Sir Christopher Rawlinson. He did not wish to make any invidious comparison between the English and the Irish bar, but he would say that it was impossible to appoint any person who had greater acquirements for the office than that learned person, to say nothing of his experience in the administration of justice. The hon. and learned Gentleman, in talking with him on the subject, did not seem to be aware that the Recorder was one of the most important functionaries in the settlement, for he said no Judge would like to take his wife to Penang. Sir Christopher Rawlinson and other recorders of that place took their wives with them, and he (Sir J. Hobhouse) had never heard any complaints of their having been contaminated in consequence. With respect to the charge of neglecting Irish barristers, he was satisfied that he had offered either four or five places on the Indian bench to members of the Irish bar, and he had the dissatisfaction of receiving a refusal to accept the appointment in each case. On two occasions the office had been accepted—one was by Baron Richards—but afterwards declined. The hon. and learned Member laboured under a delusion when he asserted that he (Sir J. Hobhouse) had forgotten the Irish bar in the distribution of the patronage of his office. He had shown that they would not let him forget them if he had wished to do so. In conclusion, he would only repeat the pledge which he had given before, and state that the claims of those whose cause had been advocated by the hon. and learned Member should meet with due attention from him.

Mr. KEOGH was not aware that this subject would have come on to-night until he came down to the House; he therefore had not expected any discussion on it. With respect to the speech of the right hon. Baronet, he would only say that they so seldom heard him address the House, which he did in so agreeable and pleasant a manner, that it was to be hoped they would soon hear him again. He did not understand the question before the House was as to the possibility of ladies going to Pulo Penang, or whether a person could take his wife there with safety, for that was one of the chief points of the speech of the right hon. Baronet; but he understood the question before the House to be whether, in conformity with a statute which was passed before the Act of Union, the members of the Irish bar had received a due share of patronage to the Indian judicial bench. The right hon. Gentleman had carefully avoided this question. [The hon. and learned Member then quoted a return he had moved for in 1848, of the number and names of persons appointed to any judicial appointment in the East Indies.] He said, the return was very full, but he did not find Penang mentioned. But the return showed this—although the right hon. Gentleman had said, that he had always fairly considered in patronage the claims of Irish barristers—that not one single Irish barrister had held a judicial appointment in India. A period of twenty-five years had elapsed, during which twenty-three appointments had been made; and for twelve years the right hon. Baronet opposite had been in office, and a Whig Government in power, and not a single selection had been made from that class of gentlemen. The right hon. Gentleman said it was unconstitutional to make these inquiries. He could better understand any one else than the right hon. Baronet making that allegation, because it must be in the recollection of the House, that for a series of years there was no topic so popular among hon. Gentlemen opposite, as that of challenging the motives of their opponents, not for appointments made, but for appointments that had not been made when another Government had been in power. Nothing had been dwelt upon, when the Act of Union was carried, more earnestly to induce the Irish people to support that measure, than the promise that they would be the participators in all the emoluments and advantages, as well as in the danger and adversities, of the British empire. The right hon. Baronet himself had moved a vote of thanks to the victorious general of the troops in India. That officer was an Irishman. But it suited the right hon. Gentleman to speak to-night in different and more slighting terms of Irishmen. The men, of whose importunity the right hon. Baronet spoke, and who, he said, never allowed themselves to be forgotten, and yet had been forgotten, whose claim had been for twenty-five years before the Board of Control had got nothing at all. The simple question involved in his hon. and learned Friend's Motion was, whether or not the Board of Control had exercised the discretion with which they were vested, in a fair spirit of consideration for the claims of the Irish bar. The answer to this was in the fact, that since the establishment of British power in India—since the formation of supreme courts in the three presidencies—they had never appointed more than three members of the Irish bar to fill judicial appointments. From 1800 to 1825, there had been only these three appointments; and in the present day not a single one of them had been appointed to the bench. These facts admitted, one word only more. The right hon. Gentleman objected to the terms of the Motion; but he (Mr. Keogh) saw nothing extraordinary in those terms, and there was force in the argument drawn from the return he had quoted, when not an Irish name could be found in it. His hon. and learned Friend was fortified by the fact that the right hon. Gentleman himself had not pointed out any office which he had conferred upon an Irishman.

Mr. C. ANSTEY hoped that the debate would not close until some hon. Gentleman who was supposed to represent the interests of the East India Company would say a few words respecting the doubts which had been raised by the hon. and learned Member for Carlow. That hon. and learned Member, he thought, had somewhat mistaken the case as to the blame resting with the East India Company, or with the Board of Control. There was some experience, he said, on record, of the mode in which judicial appointments in India were filled up, and he mentioned the case of a gentleman, not of the Irish but of the English bar, who had been unjustly displaced from the office of law adviser in a colony, and who, in the judgment of two colonial secretaries, was entitled to compensation, and was a proper subject for promotion. The claim was preferred to the Board of Control, and the opinion of that board was in his favour; but the opinion of the Chairman of Directors being that it was beneath the dignity of the Indian bench to suffer the promotion of a gentleman from another port, the claim was set aside, and another person of inferior merit was appointed. In the dispensation of patronage by the Board of Control and the East India Company, there was a systematic exclusion, not only of Irish barristers but of Scottish advocates, and he repeated his hope that some Members connected with the East India Company would address the House.

Mr. LAWLESS said, with regard to what had fallen from the right hon. President of the Board of Control relative to appointments having been refused by Irishmen, that it was no wonder Baron Richards had not accepted the offer; for he was then an old man, and it would have been astonishing if at his age he had gone out to India.

Question put. The House divided:—Ayes 23; Noes 53: Majority 30.

The House adjourned at half-after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, April 17, 1850.

Minutes.] Public Bills.—1° Burgess Lists.
2° Highways (South Wales).
3° Process and Practice.

PRIVATE BILLS.

Mr. ROUNDELL PALMER moved that it be an instruction of the Committee on Group 5 of Private Bills to entertain the petition of the shareholders, against the Shropshire Union Railways and Canal Bill. The grounds upon which he rested the Motion were shortly these: The petitioners alleged that they had been induced, by fraudulent representations, to become shareholders in the company, and, finding that the Bill before the House violated the contract into which they had originally entered, they were naturally desirous of being heard by counsel against it; but, upon making application for that purpose to the Committee on the Bill, they were informed by the chairman that it was contrary to a standing order of the House to allow a minority of the shareholders of any company to be heard against the directors. To remedy the injustice to which the shareholders were subjected by that decision, was the object of the present Motion. He, therefore, trusted, that upon the principle of common justice the House would agree to the proposition.

Motion made, and Question proposed—

"That it be an Instruction to the Committee on Group 5 of Private Bills to entertain the Petition of Shareholders deposited on the 26th day of

February, against the Shropshire Union Railways and Canal Bill, and to hear Counsel, agents, and witnesses, in support thereof."

Mr. W. PATTEN said, it was the practice of the House generally, that a minority of shareholders should not be heard against the directors. He thought the question should be left altogether to the decision of the Committee. When the Committee made their report, then it was open to his hon. and learned Friend to bring forward his proposition, and to move that the Bill be recommitted.

Mr. AGLIONBY had heard accidentally that this was a petition of only six shareholders out of a number of 2,000 or 3,000; that five of them were not in a proper position to make themselves heard, inasmuch as they had neglected to pay up their calls. Seeing the noble Lord the chairman of the Committee in his place, he wished to ask whether this information was correct?

Viscount JOCELYN, as chairman of the Committee, said it was decided that they ought not to hear so small a number of shareholders against the company generally. They did not, however, think that there was any difference between these particular shareholders and the others; for they would have come to the same conclusion in any event. It appeared to the Committee that these five petitioners were the holders of shares amounting to about 12,000*l.*, but being defaulters they were ineligible to vote upon questions affecting the great interests of the company.

Mr. CARDWELL thought it important that they should have a clear understanding upon this point—whether shareholders should be excluded from having a *locus standi* as regards applications to this House, if they have not paid up all their calls. The Committee, no doubt, have a discretion as to whether they shall hear the case or not; but it should not, he thought, be laid down as a general rule, that in no case of fraud, however bad, should the Committee, under the circumstances in which those petitioners were placed, refuse to entertain the allegations preferred against a company. He would recommend the hon. and learned Member for Plymouth not to press his case at present, as another and a better opportunity would be afforded him of bringing the question forward.

Mr. T. GREENE said, that this was simply a matter of discretion with the Committee. A partnership had been entered into, and the minority were bound by the acts of the majority. If this application was allowed, we should find ourselves overwhelmed by similar applications from all quarters. Special cases, however, might arise where the minority would be placed in a situation different from this; such as the circumstance of a preference of shares being granted, when it would be necessary to hear even the minority. He trusted that the hon. and learned Gentleman would not press his Motion at that moment, as it would place the House in a most inconvenient position.

Mr. J. E. DENISON thought that to tell the parties that they could be heard upon the Motion for a recommitment of the Bill, was, in effect, to tell them that they could not be heard at all. He hoped it would not be considered as asking too much, if he requested the noble Lord the Member for Lynn Regis, to inform the House whether, in respect to this petition, he had acted on the general practice, or whether he had entered into the actual merits of the case?

Mr. T. EGERTON had always understood that a Committee in such cases took the matter entirely into their own hands, and, in the first instance, determined whether the parties had a *locus standi*. But he further understood it was not the practice of the House to allow them to appear by counsel or lawyer. He thought that some distinct rule ought to be laid down upon the matter.

Mr. F. MACKENZIE believed that there was no practice of the House one way or the other. A similar case to this was some time ago taken up by the hon. and learned Member for Abingdon, and the question was considered, not on the ground of the petitioners being in a minority, but on the merits of the whole case. The same course should be followed in the present instance.

Viscount JOCELYN said, that he would consult the Committee again upon the matter.

Mr. ROUNDELL PALMER protested against the doctrine, that the majority of shareholders possessed uncontrolled power of representing a company for all purposes connected with promoting Bills before Parliament. If application were made to that House to alter the original contract on which the company was formed, it was unjust to prevent parties from being heard against the proposal, on the notion that the common seal represented the majority. Each individual shareholder was entitled to be heard by counsel against a Bill brought forward under such circumstances. The Court of Chancery had frequently had occasion to regret that the House of Commons did not take greater precautions to guard against frauds effected by persons using the seals of companies for the purpose of altering contracts. A question might arise in which the Court of Chancery would feel it necessary to prevent persons proceeding with petitions either in favour of or against a private Bill, and then in all probability a dispute respecting privilege would arise. The Lord Chancellor had declared that he had authority to act in that way, but he was desirous of being spared the necessity of exercising his power, and therefore wished the House to establish rules which would do justice to all parties. For the present, he would withdraw the Motion.

Motion, by leave, withdrawn.

EDUCATION BILL.

Order for Second Reading read.

Mr. W. J. FOX moved that the Education Bill be read a Second Time.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. STAFFORD rose to move as an Amendment, that the Bill be read a second time that day six months. He said that the House, by consenting to the admission of the Bill, had committed themselves only to an acknowledgment of the importance of the subject, and not to the principle contained in the Bill. He mentioned this because there were very many persons out of doors who greatly regretted that even that step had been taken, in the apprehension that the leading principle of the Bill had thereby been recognised. But when the sentiments uttered on that occasion by some hon. Members were remembered, and when the great caution observed by the noble Lord at the head of the Government in respect to the admission of the Bill was considered, it would appear that such apprehension was groundless; and that the House had certainly not recognised the principle of the Bill. Before stating his objections to the principle of the Bill, he must say that, in his opinion, the state of the education of the country at this moment had been too unfavourably drawn by the hon. Member for Oldham, because he knew that there were many rural parishes where the whole education of the children was undertaken; but, as there were no endowments in those parishes, and they were not in connexion with any of the great vehicles of public instruction, they did not appear in any official returns. In Blatherwyke, the parish in which he resided, and within a radius of twelve or fourteen miles of that parish, this existed, and he believed that it was extremely general. For example, the Marquess and Marchioness of Exeter educated, at their own expense, between 200 and 300 children, at Easton, and other schools; the Earl of Cardigan supported five schools for the poor, in five different parishes; at Benefield, Mr. Watts Russell paid for the whole of the education; Mr. Vernon Smith's school consisted of 100 scholars; at Gretton, the Earl of Winchilsea and the vicar educated more than that number. Lord and Lady Lilford paid for the education of the village, as at Achurch and Pilton, aided by the clergyman; the Hon. R. Watson educated all the children at Rockingham; and the Duke of Buccleuch entirely supported the schools at Weekly and Geddington. He had no doubt also that many other hon. Members could state the same or similar facts with regard to the rural districts with which they were acquainted. He mentioned this not to controvert the statement of the hon. Member for Oldham that education was deficient in this country, for that proposition was unhappily incontrovertible, but merely to show that the hon. Member had by his figures unfairly represented the state of education as regarded the rural districts. As to the present general state of education, it must be considered as not compatible with the prosperity, perhaps not the safety, of this great kingdom. There were, however, two main obstacles which presented themselves to the mind when considering how this great evil could best be met. The first was, that respect to religious convictions which ought not to be violated; and the second was, the danger of too great an interference by the State, thus involving the evils of centralisation. He opposed the present Bill because he believed, in the first place, that it grossly violated and trampled upon the rights of conscience; and, in the second, because it directly led to the worst evils of the centralising system. He would ask the hon. Member for Oldham why he had avoided giving a definition of the epithet "secular," which occurred in the title of the Bill. The hon. Gentleman had not ventured to say what "secular" was, and therefore he would tell him what the great majority of the people believed it was not.

They believed that it was not religious, and being non-religious, they believed it to be irreligious. ["Oh, oh!"] In spite of the cheer of hon. Gentlemen opposite, he would say that the time had come when it must be told to them that the people of England would affix to this proposition a still stronger epithet; and although the term he was about to use might be considered a strong one, he would ask the hon. Member if the term "atheist" were not the synonym of the word "secular," what it was? He asked the hon. Gentleman, too, if he had considered that there was a strong feeling against the system of secular education, and what appeals he had made to any of the great organs of public opinion on this question in support of the proposition he had made? It would be idle to do more than allude to the National Society, as representing the Church, for no one would say that the Church was in favour of secular education, and the hon. Member himself would not pretend to say that the Church was otherwise than opposed to his scheme. But to pass by the National Society, why had he refrained from all reference to the voluminous documents published by the British and Foreign Society, as representing the Nonconformists in this country? Because he knew that he would be unable to find a single passage that he could have used in support of his plan. The hon. Gentleman might say, however, that there was a large body of persons, zealous for education, who did not belong to either of those societies, and were in favour of his proposition. But he (Mr. Stafford) would refer to a book which had been sent to him, in common, he believed, with every Member of the House, purporting to represent the views and opinions of a large and active part of the community not belonging to those societies, as explained in the Crosby-hall lectures on education in 1848. The first extract was this:—

> "Every true lover of education raises his standard high. In both processes of education and instruction he would have the sacred and common mingled and interwoven. They are in their own nature allied and mutually dependent and helpful. Everything true is in harmony with all other truth. No knowledge can we acquire of nature, of history, or of art, but if we will trace it either to its roots or to its end, we find it in God."

Another extract, p. 64, was as follows:—

> "Nothing could be more natural and inevitable than that Independents should bear part in all movements for popular education, and that they should pay special attention to the principles on which it might be proposed to conduct this work. For them to adopt any separate operations for educating the people detached from Christianity was impossible."

And again, p. 74:—

> "Man is something more than matter; he is a spiritual being. Any attempt to educate him, save religiously, is a mockery and an insult. We cannot, indeed, conceive of an education of man's nature without a constant appeal to his relations towards the Deity, and to the influence of rewards and punishments over him. What is defended as secular education is most superficial, considering the depths of his soul—most incidental, considering the laws of his being, most temporary, considering the revolutions of his duration. Such a secular education need not say there is no God; but it must not say there is one. Such a secular education need not say Christianity is a lie; but it must not say it is the truth, and no lie. It need not denounce the faith of an hereafter; but it, as a thing of an earthly *sæculum*, must never point to *sæcula sæculorum*."

His (Mr. Stafford's) position was, that no man voting for the Bill before the House could claim to be a friend to religious liberty, because the Bill could not be advanced a step further, without violating those religious scruples which had been so constantly put forward, and trampling upon convictions which had been so strongly urged. It was a mere begging of the question to propose secular education as a means to settle sectarian differences, because by its very operation it raised up sectarian difference. The true friends of religious liberty could not sink the principle of respect to religious conviction—they must say that all or none were to be respected. He would tell those, moreover, who would establish secular education to avoid sectarianism, that on their side they were a very small sect, while their opponents were a very large sect; that the consciences of the latter had a right to be respected, and should be respected; and that they would not sanction a Bill which violated the very principle which the advocates of the Bill had laid down of respect and liberty for religious scruples. He would now try the Bill by another standard. Under the guise of local self-government and local machinery it just transferred the whole power to the Committee of the Privy Council on Education. The final appeal rested with the Privy Council alone. Take the case of two parishes, supposing the Bill to have passed, one of them anxious to be put under the operation of the measure, and the other unwilling to be so placed. The willing parish applied to the Privy

Council to be put under the Bill, and the Council had the entire power of refusing the application, without any appeal. The inspector of schools was sent round, and with him alone rested the power of deciding whether or not the school should be placed under the arrangements of the Bill, and the parish had no power. Then take the case of the unwilling parish, having its own educational system and ecclesiastical arrangements complete, and working satisfactorily to all the community, when one morning the overseers would be startled by a letter from the Committee of the Privy Council, desiring them to summon all the ratepayers together, and desiring them to elect a Committee, which Committee was to submit a plan of secular education to the Privy Council. No time even was given to this unwilling parish to summon a public meeting. Within a week, nay within two days, another letter might come down from the Privy Council, saying, "You have not been sufficiently active in summoning a meeting, therefore we send a plan to you, which you must adopt under the 13th clause. The parish, however, might find itself in a more unfortunate situation, for the Privy Council had the power of combining parishes together for the purposes of education under the Bill, whether they were willing or not. Nor was there any limit to the expense to be incurred. Yet this was said to be a system entirely based upon the principle of local self-government; whilst at the same time every facility was given to the Privy Council to override objections to the plan of the parochial committee. The system, indeed, was to tax the whole rateable property of the parish without any appeal or limit whatever. Such parishes might find themselves, in the course of a week, taxed to the amount of 10*s.* a head for the erection of any number of schools, without the slightest power of appeal or remonstrance. But there was one power left to these unfortunate parishes. The ratepayers being wholly unrepresented, nay anti-represented, in whom did the House think the remains of local self-government were left? Why, in the children.

Mr. W. J. FOX said, there were certain powers, as the power of complaint was left to parents and guardians.

Mr. STAFFORD said, the hon. Gentleman might intend to include the words "parents and guardians" in the 7th clause; but as the clause stood, it certainly made complaints to originate with the children. The words were—"And be it enacted, that upon the complaint of any of the children who may have attended any school," and not "parents or guardians." He took the Bill as he found it, and the hon. Gentleman must not make him chargeable for its omissions. But if the hon. Gentleman really meant that complaints should originate with parents or guardians, he must have felt an immense amount of scruple to prevent him from mentioning their names. The hon. Gentleman had eulogised the profession of the schoolmaster, and with truth he exclaimed, "the schoolmaster is, in fact, the school;" but he (Mr. Stafford) would ask the House to tell him what sort of schoolmasters would place themselves under the control of a committee chosen every year by all the ratepayers in the parish? He could not conceive a situation more objectionable to a respectable man, than not to know what religious or sectarian feelings might be roused in relation to his school. The unfortunate schoolmaster under such circumstances, would be called upon to serve two masters — the Privy Council on the one hand, and the parochial educational committee on the other—a body which was to be changed every year. The chances were, then, that the popular elections for this committee every year would give rise to party feelings, from which the schoolmaster must suffer, unless he altered the complexion and animus of the school, to receive the tinges and hues which they might wish to give to his instruction. These circumstances, he contended, would render the services of the schoolmaster in the district wholly valueless. He would now advert to the title of the measure. It was called "A Bill to Promote the Secular Education of the People in England and Wales." Now, the hon. Gentleman had neither told the House the meaning of the word "secular," nor why the Bill was to stop with England and Wales, though it professed to be founded upon a parochial system, sufficiently common to the other two countries not named, to authorise its extension there, if the hon. Gentleman believed in the value and healthfulness of this new principle. Here, then, was enunciated an important principle of education in a Bill, whose characteristic was the exclusion of Scotland, Ireland, and Christianity. The hon. Gentleman had paid a great compliment to Scotland and Ireland by the omission; and he hoped the conduct of the House would show that England and Wales were entitled to a similar favour. Let it not be imagined that the principle of this Bill at all resembled the principle of education under the National Board of Education in Ireland. It differed from it in two most important distinctions—distinctions as important as any that could be laid down. With regard to the parochial system, there was no mention of it whatever in the system of the Irish Society; and with regard to its irreligious—or, at all events, its secular character, he (Mr. Stafford) asked if there was the slightest analogy between the Bill and the Irish system? Let the hon. Gentleman take the books of that society, and show the House if there was any reference to a merely secular education in any one of them. The Church of England would certainly protest against any such system; the Roman Church in Ireland would also certainly protest against it; for they never had been, and he trusted they never would be, charged with being latitudinarian in this particular. But the hon. Gentleman, silent with regard to the British and Foreign School Society and the National Society, eulogised one plan, which he said was worthy of consideration in that House—and this was a plan for the establishment of a general system of secular education in the county of Lancaster. He (Mr. Stafford) had ventured to write to the secretary of the association promoting this system, and by his courtesy he had been furnished with the "plan," which it was stated had been stereotyped, and had gone through twelve editions; and he begged the attention of the House to the way in which the association proposed to deal with the question of religious education, which, after all, was the question of the Bible. They set out by saying, that, inasmuch as virtuous truths, having reference to the Divine Being, were powerfully enforced in the Scriptures—

> "a selection of examples or precepts shall be made therefrom, and read and used in the said schools, but without reference to the peculiar religious tenets of any religious sect or denomination."

Then—

> "for the purpose of making this selection, a committee shall be appointed by the county board, constituted of nine individuals, no two of whom shall be members of the same religious denomination; and, in order that no peculiar tenets and no religious sects may be favoured, the unanimous concurrence of the committee shall be required in the selection."

It was lamentable to see benevolent and intelligent men, for such he believed them to be, driven to such a melancholy shift in attempting to perform that which was impossible. Should they not rather, as the House of Commons would, with all its faults and all its differences, have at once come forward and said, "We will not recognise any system which shall, as the necessity of its existence, exclude all reference to another world." Would not that House, upon the principle of local self-government, rather say, "We will protest against a system combining all the despotism of tyranny with all the confusion of democracy, and we will not, as respecters of liberty and religion, endow or give assistance to the smallest and worst sect amongst us — the sect of secularisers?" But the hon. Gentleman proposed that each scholar, as a mark of good conduct, should receive, upon leaving school, a copy of the Holy Scriptures. The Bible was first compulsorily withheld, and then, of necessity, it was to be given, on the principle, he supposed, that two compulsions would make up the voluntary principle. Why, when a boy opened that book, and therein read the splendid apparatus of prophecy and miracle with which the mission of Christianity was announced and attested, and saw that its earliest office was to preach the gospel to the poor, with what feelings would he contrast a system which proposed to exclude him from this knowledge? With what feelings would he remember that within the walls of their schools no appeal might be heard to the authority—no sanction drawn from the law—no invitation given to the love—no mention even made of the holy name—of that beneficent and awful Being who "suffered little children to come unto him." This was not a Nonconformist or a Church question. It was not a party question. It was even higher than a national question. And because the people of England believed this project to be at war with Christianity, he was sure that House would not, and dare not, say to it, "God speed!" The more the people of England felt their conduct on this occasion would be watched throughout all Christendom, the more necessary was it that their representatives in that House should do justice to their constituents, by utterly rejecting the project now laid before them.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

The Earl of ARUNDEL and SURREY rose for the purpose of seconding the Amendment moved by his hon. Friend. The Bill, as it appeared to him, was founded upon one of two principles: either that secular education was more valuable than religious education, or that secular education was certain to lead to religion. The former, he apprehended, would not be maintained by any hon. Member; for he was not aware of there being in that House any professed infidels; and none but an infidel would contend that an education fitting man for this life alone was more valuable than an education for eternity. The second question was, whether secular education was calculated to lead men to religion? All experience proved the contrary. Man, born into this world, and surrounded by all sorts of material affections calculated to draw him to the earth, unless carefully instructed in his earliest youth, was much more likely to prove irreligious than religious. It was not wonderful that he should stand forward before the country to speak against a system of merely secular instruction, for the church of which he was a member had invariably maintained the principle that religion should be the groundwork of education, and that the education of the people should be placed under the care of the ministers of religion. It was for this great principle that the Roman Catholic Church had worked and struggled for years in France and throughout the Continent of Europe; and he would show the House the results which had been realised from a contrary policy. The House would pardon him for producing a few extracts from different publications on this subject, because he felt strongly upon it, and he deemed it absolutely essential that the natural results of a merely secular education of the people should be thoroughly known and understood. The works of Mr. Lang were well known to every hon. Member—he was a Presbyterian traveller; and Dr. Ullathorne, Bishop of Hetalona and Vicar Apostolic of the Central District, in his *Remarks on the Proposed Education Bill*, had the following passage:—

> "Mr. Lang is admitted to be an authority upon this subject. He is a good observer, has not wanted opportunities, abounds in statistics, and is a Presbyterian in religion. He wrote his *Notes of a Traveller* some time before the social disruptions on the Continent, though his own observations anticipated them. He has well defined the Prussian system, and his definition as correctly applies to Mr. Fox's plan, as being 'the educational drill of all the children of the community to one system in schools, in which the parent has no control or election of what is taught, or by whom or how.' He has described its desolating effects upon the moral condition of the people. He shows how it has lessened and brought down the independent character of the people—how it has tended to make man a mere State machine. He points to it as one of the great causes why the great body of the people submitted with stolid indifference to the new State religion imposed upon them by their late king. And we have now ourselves come to witness the reaction both against the State religion and the State in the workings of that revolutionary spirit which must ever follow, sooner or later, the usurpation by States of those functions the exercise of which are among the legitimate rights of the family. He shows, and that by statistics, that female chastity is in a lower state than in almost any other country of the Continent, and equally so the condition of morals generally."

Dr. Ullathorne went on to say:—

> "The following passage from Mr. Lang's chapter on the Prussian Educational System is too apposite to be omitted:—'If the ultimate object of all education and knowledge be to raise man to the feeling of his own moral worth, to a sense of his responsibility to his Creator and to his conscience for every act, to the dignity of a reflecting, self-guiding, virtuous, religious member of society, then the Prussian educational system is a failure. It is only a training from childhood in the conventional discipline and submission of mind which the State exacts from its subjects. It is not a training which has raised, but which has lowered the human character.'"

But had Mr. Lang's views been altered? Certainly not; for in his late work, *Observations on the Social and Political State of the European People in* 1848 *and* 1849, *being the Second Series of Notes of a Traveller*, he said, speaking of public opinion being in the hands of the educational functionaries:—

> "These doctrines and opinions, however true as abstract propositions, are not practically applicable to the existing Governments in Germany by any reform short of revolution; and national education in Government schools, under exclusively privileged teachers, has proved not merely a failure, but a powerful lever, overturning the Governments which established it as a support. In France we see it declared that all the teachers of the primary schools in very extensive districts are Socialists. Those who taught, qualified, and licensed them must be Socialists too; and tracing back to the fountain head the theories of Communism and Socialism, and the fanaticism for impracticable objects which have seized on the public mind in Germany and France, it is evident that a few dreaming philosophers in the chairs of the universities may infuse, through their educational machinery, a poison into the public mind which these educating Governments have no means to counteract."

He might, however, be told that religion was too firmly established in England for this country to fear any experiments of this kind in the way of education. That was by no means his opinion; and in proof of it, it would be his painful duty—a duty he had not imposed on himself without serious consideration — to read some passages from works of a high intellectual character, which would show that it was not safe to trust only to secular instruction. Some of these works did away altogether with the Scriptures, reduced our Saviour to the level of a heathen philosopher, and, so far as their principles were concerned, entirely destroyed every vestige of the Christian religion. The sore, therefore, was among us, and it was impossible to probe it, or to tell how deep it had gone. He therefore demanded the attention of the House, as Christians and as statesmen, whilst he endeavoured to point out its nature and substance. First, then, he would attempt to show the character of the teaching now among us. The Rev. James Rose, in his *State of Protestantism in Germany Described*, being the substance of four discourses delivered before the University of Cambridge, in 1825, speaking of the majority of the divines of the German Protestant Churches, during the last half of the preceding century and the commencement of this, said—

> "Although they rejected, as I have said, all belief in the Divine origin of Christianity, they retained the name of Christians, and the language and profession of Christianity. Since our intercourse with the Continent has become free, many of the works of these divines have found their way into the hands of English students of divinity. It appears to me, therefore, indispensable that these students should have a clear conception of the principles of such writers, that they may not, by the deceptive use of Christianity, be betrayed, at a period of life when their judgment is not matured, into conclusions wholly subversive of Christianity."

Now, what the Rev. Mr. Rose addressed to the students in divinity in the University of Cambridge, he (the Earl of Arundel and Surrey) addressed to the British House of Commons, and to the people at large; for some of the works he referred to were now among us, in the most attractive forms, and couched in language so deceptive that many an English lady would think she might with perfect security trust them in the hands of her daughters unsuspicious of the fatal results which might arise from works of such a pernicious tendency. He would refer to what was called *The Catholic Series*, published by Chapman, which were highly eulogised, he could not help thinking without any knowledge of their real nature, by such respectable publications as the *Morning Chronicle*, the *Foreign Quarterly*, the *Nonconformist*, the *Economist*, and others. The effect of the praises of these respectable prints was, that the young got hold of these books, read them with attention, and thus, almost insensibly, poison was instilled into their minds. These works were got up in an expensive as well as in a cheap style, the purpose being that they should circulate through all classes, the lowest as well as the highest. He would read one extract from this series, from *Popular Christianity*, by F. J. Foxton, a minister of the Church of England—he hoped no longer so—as follows:—

> "To bring the spiritual government of the world into sounder and more consistent relations with the existing intelligence of the age, it will be necessary at least to modify so much of the doctrinal teaching and external government of all Christian churches as is involved in the assertion of the following dogmas of the popular theology, namely—1. Of the vague and indefinite doctrine of the 'inspiration of the Scriptures.' 2. Of the doctrine of miracles and prophecy. 3. Of the really Pagan doctrine of the divinity of Christ as now taught. 4. Of the futile and fallacious idea of teaching Christianity by dogmatical creeds and articles. Such must be the basis of any really spiritual reformation, and the foundation of any truly Catholic Christianity."

Similar doctrines were imported from America. For instance, there was published *A Discourse of Matters pertaining to Religion*, by Theodore Parker, Minister of the Second Church in Roxbury, Massachusetts—a book beautifully written, in the most attractive language, but containing horrible doctrines—he would say, accursed doctrines. He would only read this passage:—

> "The most careless observer sees inconsistencies, absurd narrations; finds actions attributed to Jesus, and words put into his mouth which are directly at variance with his great principles and the general tone of his character."

One of the worst features about these publications was, that they treated our blessed Saviour not as God, but as man; and that whilst denying his divinity they addressed to him the language of poetry and praise in the way that the most fervent saint might do. The following was an apt illustration—

> "Jesus, there is no dearer name than thine,
> Which Time has blazoned on his mighty scroll;
> No wreaths nor garland ever did entwine
> So fair a temple of so vast a soul.

> There every Virtue set his triumph-seal;
> Wisdom conjoined with strength and radiant grace,
> In a sweet copy Heaven to reveal,
> And stamp perfection on a mortal face."

But he must read one or two short extracts from *Christian Theism*, another work of the same school:—

> "It may be asked why, on this hypothesis of imperfect views and mixed motives on the part of the Founder of Christianity, this age should be inclined to render him any allegiance whatever, and to connect his name more than those of many other reformers, possibly more wise and enlightened, with the cause of human improvement? If he were not God, nor the Son of God, nor a prophet, nor even the wisest philosopher or most perfect moral being that we conceive of; if he were, in fact, only a Jewish peasant, of intellect, imagination, and moral feeling, much, although not immeasurably, above the standard of his age and country, why should his name be enshrined in this costly manner more than those of many other philanthropists, which would now be scarcely recognised by any but the students of biographical dictionaries?"

And the writer thus summed up:—

> "Let Christian Theism then express the feelings of him who, while he admits no authority alone but that of man's reason, and no revelation besides that of Nature, yet listens to and honours one of the best expounders of God and Nature in the Man of Nazareth. Theists of every nation—Christian, Jew, Mahometan, or Chinese—can meet upon common ground. Whatever minor predilections each may entertain for his own most eminent teacher or prophet—whether Christ, Mahomet, Moses, or Confucius—their great principle is the same—to seek the knowledge of the human mind, and rules for the guidance of man, in the great volume stretched out before all men."

Then *The Soul, her Sorrows, and her Aspirations*, by F. W. Newman (the brother of Father Newman, now of the Oratory), actually denied the existence of the Mediator:—

> "Now, where the place of a Mediator is held by priests, saints, or a virgin, it would appear that uncompensated mischief results: but as applied to Jesus Christ, the doctrine of mediation is far more perplexed, owing to the manifold and complicated tenets held concerning his person. There are some who teach he was less than God, and yet that he is the Mediator between God and man. Where such a mediation is not a mere name received by tradition, where he is effectively believed to be a more lenient judge than God, to me it appears certain that the belief is purely evil."

He held in his hand a little book of very pretty poetry, from the same publisher, called *Reverberations*, in the 81st page of which he found the following lines:—

> "PECCA FORTITER.
>
> "What help for hourly errors shall I find?
> How tread the dangerous path that must be trod?
> Guileless and simple be in heart and mind,
> Sin bravely man, and leave the rest to God."

The works of Fichte and Strauss, which were very much praised by some of the public prints, had been beautifully translated, and were now in circulation among us. They denied the necessity of a Mediator, and held up the supremacy of human intellect, and there were many others of the same class. Now, it was a fact, that the Bill of the hon. Member for Oldham was supported by this school. The Bill was precisely such a measure as the members of that school wanted, and they were cloaking their objects under the common name of Christianity. They called music and painting to their aid, and said there was no harm in surmounting their temples with the cross. It was currently reported that Mr. Froude, one of this school, had been appointed Principal of the New College at Manchester—an institution in favour of the Bill of the hon. Gentleman. Whether this were so or not, the hon. Gentleman the Member for the West Riding could inform the House, for he was one of the Committee in whose hands the nomination of the officers of the college was placed. He thanked the House for having allowed him to disgust them with the extracts he had just read. We had now arrived at an important period in the world's history. Every one knew what his religious belief was; but in these observations he was not advocating the claims of the Roman Catholic Church, but those of the poor of England of every denomination. They should not be exposed to these perils of unbelief. Some three centuries ago there occurred a great convulsion in men's minds, and what was commonly called the Reformation took place. The Scriptures were then set up in place of the teachings of the Church, and now we had arrived at another period, when it was proposed to lay the Scriptures utterly aside. Such a school had risen up, their works were praised, in ignorance, he believed, of their nature, by the respectable press, and it was extraordinary the damage they were doing. This Bill he considered as merely a skirmishing party, which would be driven in without much difficulty, but it was not the last attack. The two armies were drawing up their forces, and the battle was now between religion and irreligion—the Church and infidelity—God and the devil—and the reward for which they must contend was heaven or hell.

MR. ROEBUCK said, that the debate, so far as it had gone, proved to him how bold a man was the hon. Member for Oldham. The hon. Gentleman who moved the Amendment had come there with his quiver full of epithets; and he had bound to it a vast magazine of prejudices, and, instead of appealing calmly and dispassionately to the reason, had shot off his arrows one after another—each one barbed, as it were, with an imputation against all who happened to differ from him. How did he arrive at his conclusion? He said he objected to the Bill on two grounds. First, it was an attack upon the conscience; it trampled upon the tender conscience, said the hon. Gentleman; and, second, again appealing to a prejudice through the medium of a word, he said it was a great centralising effort. How did the hon. Gentleman arrive at his first conclusion? He appealed to the hon. Member for Oldham, and said, "you have not defined your word 'secular.'" Thereupon, with all haste, he set himself about giving a definition. "I will tell you," he said, "what it is not. It is not religion." He then changed the word by a curious process, and said, "it is non-religious." Going onward, and becoming bolder as he advanced, he said, "it is irreligious. Therefore"—was there ever such a "therefore" palmed upon the reason of man?—"it is atheistical." Now, these were the steps of the hon. Gentleman's reasoning. Let the House mark them. "Not religious—non-religious — irreligious — atheistical." And all this simply because the Bill was called one for promoting "secular education." But had the hon. Gentleman set himself at work to understand the meaning of the term? With the leave of the House, he (Mr. Roebuck) would explain it. Education, then, as far as he understood it, was fashioning the mind of a human being for a due performance of his duties in this world, and, by his due performance of those duties, to fit him for the next. Now, it was a curious thing that upon all the broad principles of morality there was no difference of opinion among the various sects of Christianity. What was it, then, that they differed about? Why, those mysterious parts of religion which had no reference to the immediate guidance of men's actions, but which had reference to the peculiar state of mind upon doctrinal points. On these they differed; but upon the principles of morality they were in accord. Unfortunately, however, it so happened that, differing upon this large section of religious teaching and religious belief, they were found in such a state of mind, that when they came to combine for teaching their fellows, they immediately began to quarrel upon these points of doctrine, and left out of consideration those large principles of morality upon which they were all agreed. The hon. Member for Oldham would permit him to draw this distinction for him. If he misrepresented the hon. Gentleman, no man was more capable of setting the House right than he was. The hon. Gentleman had seen these peculiarities in dogma standing in the way of the general education of the people; and he asked himself the question, which many good men had asked themselves—if there could not be such a division in the business of teaching that all might apply their minds, their powers, and their purses, with one heart, together and in a united form, to one portion of the subject; and that all might apply themselves in a separate, unconnected, and divided form to the other portion of the subject? That was what he understood by "secular education." But, said the hon. Gentleman, "you divorce the two," and he quoted a book which said the same thing, "and because you do not teach all, you mean to declare that the part you would leave out is a bad thing, and, therefore, you are all Atheists." The imputation was the same, whether clothed in a mellifluous voice and well-poised sentences, or put naked before the House. "All you who are in favour of this Bill are supporting Atheism." Thus he appealed to the prejudices of the House. And then up gets the noble Lord the Member for Arundel, and reads one book after another, which have no more to do with this question than if he had brought before me the separate peculiar doctrines of every saint in the calendar. The books he read are all published in Christian England, with a Church strongly fortified by secular power. All these books are printed in this good Christian England of ours, with no Bill of this sort yet passed into an Act of Parliament. All this poison is circulating without the assistance of any such thing. I want to know, then, how they can be levelled against a Bill which has not exercised one single particle of influence? The noble Lord took exception to the Reformation, and pointed it out as the first great deviation from what he considers the right path. He said you are about to take just such another step, though he did not use those exact words;

but that was in his mind. Like the rest, he addressed himself merely to your prejudices. He retained one half in his mind, and addressed just so much to the mind of the House as he believed would influence it. Well, the noble Lord objects to the Reformation. Why? Because it has taken mankind out of the thraldom of that priesthood which he will call a Church. I deny it altogether; the priesthood are not the Church. The priesthood are not the teachers of religion—that is, not the exclusive teachers of religion; and I, and my family, and every father in his family who opens the book and teaches the child is just as much a teacher of religion as the meddling priest who came into your house, and forms a portion of the Church as much as he who propounds its doctrines from the pulpit. He would meet the hon. Gentlemen on the very threshold of their arguments. He wanted to vindicate himself in endeavouring to apply the riches and the means of the people to the education of the people. The education of the people came clearly and distinctly within the limits of the Government. He asked for education for the people. He put it upon the lowest ground, and he said that, as a mere matter of policy, they ought to have education; and then up got the hon. Gentleman the Member for North Northamptonshire, and told him that he was talking Atheism. Why did he say that it was a mere matter of policy to have education for the people? The noble Lord the Member for Bath was now sitting on the opposite benches. The noble Lord had been useful in his generation in getting up what he called "Ragged schools." [*A laugh.*] Why, it was nothing to laugh at. It was a very benevolent effort on the part of the noble Lord; but it was, at the same time, a great imputation upon this kingdom that such schools were needed. Why were they needed? Let any body read the circumstances connected with these schools, and he would see vice swarming in all quarters of our great cities. The hon. Gentleman who has moved the Amendment, said that he, in his circle, had done all he could for the education of the people—that his class had been extremely anxious, willing, excellent, and industrious in the effort. The hon. Member also acknowledged that Gentlemen of opposite opinions were as industrious and as excellent as he and his class were. But he (Mr. Roebuck) would cite the noble Lord the Member for Bath as a witness, who would tell him how impotent and useless were their separate endeavours when there was a mass of vice beneath them that was absolutely hideous to contemplate. Talk to the wretched people, and tell them of the salvation of their souls. Why, it was an impudent mockery. They were in a state so hideous, so mischievous, and so overwhelming, that even the noble Lord himself who had been thus active would find it a hopeless task to bring individual benevolence to deal with this great and growing evil. But because the hon. Member for Oldham came forward and hoped that by some effort of theirs they might bring their powers to bear against this cruel mischief, these imputations were directed against the hon. Gentleman. The cheers with which these imputations were received had no effect, so far as he (Mr. Roebuck) was concerned. They would just make him speak out, and brave all that prejudice which the hon. Gentleman the Member for North Northamptonshire had excited, and treat the question upon the broad basis on which the hon. Member for Oldham had placed it. Was this Bill an attack upon tender consciences? Was it an attack upon religious liberty? He would tell the hon. Member what was an attack upon religious liberty. It was a Church having peculiar doctrines, called a State Church, which took from everybody who did not belong to it. Supposing he (Mr. Roebuck) were to come down and cite the hon. Gentleman as a great supporter of religious liberty, and then ask him to vote against church rates, would he do so? Not a bit of it. But he would get up and talk about "religious liberty" and "tender consciences," when he was asked to instruct the poor. Then it was that he could use this barbed and poisoned arrow against him (Mr. Roebuck), because he asked him to rescue the large multitude of the people who were now unable from want of the means to instruct their children, by lending them the aid of the State's money, and allowing every man and every denomination, and every priest of every denomination, full power and liberty to teach each separate child the doctrines which its parents chose that it should be taught—this was an attack upon religious liberty. The noble Lord the Member for Arundel objects to this Bill, because he says it is anti-Christian—in this almost echoing the phrase of the hon. Member for North Northamptonshire. Now, let us ask this question. The noble Lord has also said that we are upon the eve of a great contest. I think so too.

He may drive us in, as he says, upon the present occasion. I do not doubt it. We may not, I do not expect to be, successful this day; but depend upon it the growing feeling out of doors will at last compel this House to look at the question without prejudice; and they will do so for this reason. Every day sees the population of the country increasing. Of necessity every day, unless some great means are discovered to prevent the calamity, will see the congregation of wealth into a smaller number of hands; and there will be, and must be, a growing population of poor. The individual exercise of private benevolence will every day become less effective against this great mass of evil. Individual, unconnected, and unaided purpose will never be able to cope with the growing multiplied ignorance which is daily increasing in this country. He did not say this because he had the slightest fear about the future of his country; not at all. He had a sanguine hope and great expectation that they would see a far happier race than the present population rise up; but he said this because he believed that opinions such as had been propounded by the hon. Member for Oldham would become common to them all, and that they would learn to get rid of that narrow spirit which had rendered inefficient and hopeless every attempt which had yet been made to instruct the people of this country by the means which they possessed—for how had their money been hitherto applied? They had exclusive universities, exclusive schools, or small sections of forces employed in this way under the National Schools, a still smaller section under the British and Foreign Schools, and these were almost all the public means applied to education in this country. But what he asked was, "let us see if we cannot by some means devise a scheme which shall avoid the difficulty that has hitherto been in our path." What had been that difficulty? Was it not the opinion of mere dogmas that had prevented the noble Lord the Member for Arundel from coming into the same school-room with the hon. Gentleman who had moved the Amendment. Was it not owing to that cause, that that hon. Gentleman, being an English Churchman, objected to the teaching of the Methodist—that the Methodist objected to the teaching of the Congregationalist—that the Congregationalist objected to the teaching of the Presbyterian, who objected to the teaching of everybody else. Thus they went on together, a sort of power being possessed by every man to drive off every other who did not agree with him in his opinions. And he asked those who would support the Amendment, to tell him why, if he were to meet the hon. Gentleman the Member for North Northamptonshire, the noble Lord the Member for Arundel, and any other Gentleman who happened to be Independent, Presbyterian, or Methodist, they could not open "that book," and make selections upon which they would be unanimous? There were teachings there which were wholly removed from dogmatical teaching. When he used the words "dogmatical teaching," he meant the mere dogma of religion. All the broad principles of ordinary morality, and all the statements which aided and assisted it, they could select and be unanimous upon; and they would be enabled, not only out of the Bible, but out of every other book in which there was a good morality, to extract sentences upon which they might all agree. But in so doing, the hon. Gentleman said, they struck at the root of Christianity and of all religious teaching. Whilst, however, they dealt in these general statements, they could not get on. He would take a child, who came into a school for secular instruction. First of all he was taught to read, and he supposed that would not injure his religion. He was also taught common arithmetic; and if he remained long at school he would receive other portions of education. Now, when the hon. Gentleman objected to the word "secular," and pretended not to understand it, it was only an objection adopted to catch prejudices. He (Mr. Roebuck) was speaking, of course, of what would happen to the poor. The child came to school at nine, and went home at twelve o'clock; came again at two, and returned home at five. All the other hours of the twenty-four he would pass at home, and would go to church or chapel as his parents pleased. How, then, in dealing with the child in this way, did he pervert his mind—for that was the imputation? How did he shut it up, and close it against all religious teaching? Was he doing that? Why, there never was an imputation so utterly unsupported by argument and fact as that. He did not close the child's mind—he opened it. He gave him the means of learning; and when the child went home to his natural instructors in religion—his parents—why could he not learn the doctrines of his religion from them? "Oh," says the dogmatist, "I want him to be surrounded by an atmosphere of religion, and to go to a school where he shall have religion taught to him as well as arithmetic." That was just the impossibility. If a scheme of that sort could be devised, he (Mr. Roebuck) would join him heart and hand; but it could not be done. It was impossible, and there was only one other alternative, which was this, was the hon. Gentleman prepared to vote money and have a school for every denomination? Could they do that? Why, upon the face of it, it was an utter impossibility. There might be in the same parish—a little parish—a hundred different denominations. Were they to have a hundred schools? No, it was impossible. They had not the means. What, then, were they to do? "Oh," said the hon. Member, "do nothing, as a State; you are a Christian people and Legislature, therefore do not educate your children; leave it to others; leave it to private benevolence. I am a benevolent person. You are benevolent persons. We are rich. You are rich. Let us combine and teach the people by means of our benevolence and charitable donations." He (Mr. Roebuck) protested against this principle of charitable donations. He protested against it in the name of the independent poor of this country. He appealed, not to the prejudices of this House, but to the feelings of the people out of doors on this matter; and he asked them, and he asked the House, if they did not consider that the business of education was the first, most important, and all-influencing of the functions of Government? You make laws, you erect prisons, you have the gibbet; you circulate throughout the country an army of Judges and barristers to enforce the law; but your religious bigotry precludes the chance or the hope of your being able to teach the people so as to prevent the crime which you send round this army to punish. It was because he believed prevention to be better than cure, and that it was the business of Government to prevent crime in every possible way, rather than after its commission to punish it, that he asked the House to divest itself of the prejudice and bigotry which was at the bottom of the opposition on this occasion. It is not now for the first time that we have heard these sentiments. The noble Lord the Member for Arundel well said that this was the principle which produced the Reformation. Just so. And he could imagine in the olden times, before Henry VIII., that an ancestor of the noble Lord, an Earl of Surrey, not being a Protestant, might have risen in this House and thundered against and denounced a measure of this kind as impious, heretical, atheistical, abominable, and accursed. That might have been just the sort of person to say, "There is the man who is sowing all this poisonous seed; and mark what the harvest will be. You will find the people 300 years hence a multitude great in every art and science, and making every possible discovery; but they will not believe in the teaching of the priest. They will be heretics, and their souls will be in danger of damnation." Why, the noble Lord said that just now—all that. He meant it all. He felt it all. But let us understand what is the real feeling at the bottom of all this. I want to rescue the people from that sort of domination which we did escape from at the Reformation. I hope it will go on in that spirit, and lead us not to submit our minds and thoughts to the leadings or teachings of any body of persons, whether they call themselves priests or anything else. It made little difference to him what a man's denomination was. The love of power was just the same in one denomination as another; and when Swift said that "Jack was mightily like Peter," he never uttered a truer word. The book which had been read by the hon. Gentleman the Member for North Northamptonshire was precisely the same in spirit as that which had been read by the noble Lord. The noble Lord represented grandmother Church, the hon. Gentleman represented mother Church; and he dared say there were many Gentlemen on his own side of the House who would represent some of her improper daughters. But the opposition would be the same throughout. Whether it came armed by the name of a bishop *in partibus*, or from a dissenting congregation, it would be precisely the same in spirit. It was a love of power. It was an impossibility, in their minds, to mingle cheerfully, and in a true Christian spirit, with those who did not agree on all doctrinal points with themselves. But was it for him to stand up and accuse either the noble Lord, or the hon. Gentleman, or any Dissenter in that House, with being unfit to teach and expound the principles of ordinary morality? Far be it from him to make such an imputation upon anybody. He did hope that he had trained his mind to receive every man as his brother in the matter of educating mankind, without pretending to peer into his heart and brain in order to learn what were his opinions upon those mysterious subjects in reference to which they so often differed, and might all be wrong. He did not pretend to do this; he thought it a great and serious crime so to do. He asked of him to obey the law and to be a good man; and he left it to be decided between him and his Creator whether the opinion which he had formed with regard to the Great Author of his being was the correct one. But of this he was sure, that whatever that good man's opinion might be upon these subjects, he was quite capable of joining in the business of education, and that no man had a right to accuse him, or the hon. Member for Oldham, or himself (Mr. Roebuck) of being atheistical, and raising against them the direful spirit of bigotry, which had now again found a voice because they were aiding in the promotion of the Bill of the hon. Member for Oldham. He wanted an answer to this question. In teaching what was plainly understood by everybody, the principles of secular knowledge, he asked some one to prove to him that they closed and shut up the mind from the possibility of acquiring the teachings of religion—that, if in any one parish there were erected a school for secular teaching, the children who came there in the morning and left again in the afternoon would be rendered by the teaching they received there less fit to acquire religious instruction? It would not do to say this was irreligious and atheistical, and that they thereby separated religion from education. They did no such thing. They made the child better able to understand what he was taught in religion. They gave him instruction in that which would lead him to good. They ameliorated his mind; and if they had good seed let them sow it in God's name. But, said the hon. Member for North Northamptonshire, not satisfied with these imputations, this is a centralising project. He (Mr. Roebuck) asked the House not to take the Bill as a manifestation of anything else but this. It asked the House to pledge itself to this opinion, that the business of education was a portion of the duties of Government. As to the mode of carrying out this principle, if the Bill were in error let them change it. He was glad that there was a Gentleman who had the courage to face those imputations; for he must have known that he would have to face them; and now, having broken the ice, he trusted they would no longer halt on the way, but that they would, in the language of the noble Lord the Member for Arundel, continue this great fight; for a great fight it was, and he was right when he said that the standard was first raised by Martin Luther. If he wanted an authority in support of the Bill of the hon. Member for Oldham, was it not to be found? The noble Lord had said that France and Prussia were educated countries, and that in both infidelity flourished. The noble Lord did not read a French or a Prussian book, however—he read English books—therefore, infidelity flourished in England also, England was not an educated country, that was to say, educated by the State. But there was a country where our own language was spoken—a country the people of which were descendants from ourselves—the most religious country on the face of the globe. In the United States of America there were now 25,000,000 of people, almost all of them the descendants of Englishmen, and who at this moment were being taught through the means of the State. Speaking more particularly of New England, the schools of that State were open to everybody, and so excellent were they that rich as well as poor were educated in them. From one end of that State to the other they had acted exactly upon the principle of this Bill; and he wanted it to be proved to him that the teaching thus adopted by the people of New England had not led to what he contended that it had—the creation of the most moral and the most religious people upon the face of the globe. Would the House repudiate this experience on the ground that this people were not Englishmen? Why, if ever there was a body of men who deserved that name, it was the people of New England. They went out from this country at a time when there existed the strongest possible bigotry—they passed through the flaming furnace of religious persecution after they went there, and they had come out of it purified, tolerant, happy, instructed, and religious. Now here was an instance they could not get over. He thanked the House for the patience with which they had listened to him. This was a question which had occupied his mind for many years. He was glad it had got into hands more powerful than his own, and he promised the hon. Member for Oldham every possible counsel and support.

Lord ASHLEY said, it was altogether impossible to overrate the importance of this question; and he thought that its very importance demanded from the House that they should come to its consideration with forbearance, calmness, and deliberation. This was altogether a novel proposition; for, although measures akin to it might have been propounded, there had never before been submitted to that House a proposal so clear, so unmistakeable, and which was calculated to be so prodigious in its results. The hon. and learned Gentleman who had just spoken had admitted what had been stated by the noble Lord the Member for Arundel, that this was the beginning of a new series of conflicts, and he had added that, although they might possibly be defeated in this instance, they would, on a future occasion, renew the attempt. He (Lord Ashley) had no doubt that such was the intention of the propounders of this measure; and it was because they had so determined to persevere in the course they had begun that he felt so deep an alarm; because he solemnly declared his firm belief, that upon the issue of the question propounded that day would hang altogether the future history of the British empire. The hon. and learned Gentleman had declared that the difficulty of the case arose from the differences of creed among those who called themselves Christians; the morality of all sects being, he said, one and the same. That was an incorrect position. There were vast bodies, who called themselves Christians, from whose morality the whole of that House would dissent; and, moreover, he protested against the principle which the hon. and learned Member had laid down, that the morality of the Scriptures had nothing whatever to do with its mysteries and doctrines. The moral precepts, and the doctrines or dogmas of Christianity were inseparably connected. He only could receive the full force of the moral precepts of Christianity who received the dogmas and mysteries with implicit belief; and in vain would they attempt to enforce upon the minds of children the binding nature of the parables of the "Good Samaritan," and the "Sower," or any of the other beautiful and moral precepts of the New Testament, if they left them under the conviction that He who delivered them was a mere man, and not the true and eternal Son of the living God. It was from that great truth that the Christian precepts derived their force, and it was by that truth alone that it would be possible to regenerate mankind. This subject might be regarded either in its details or as a question of principle. He would prefer discussing it as a question of principle; but the details were so weighty, they bore so much on the general question, and were so capable of refutation, that he should, with the permission of the House, enter into one or two points. And, in the first place, he would show that the hon. Member for Oldham was incorrect in the statistics on which he proceeded. The first position which that hon. Gentleman took up was this, that on a comparative estimate of the population of various countries, the number of persons receiving education in this country was greatly inferior to the number receiving education in continental States. He (Lord Ashley) would take only one case, because, as the same fallacy ran through the whole argument, one would sufficiently answer his purpose. He would take the case of Prussia. The hon. Gentleman stated, that in Prussia there were one in six receiving education, while in England there were, according to some, only 1 in 8½; but, according to his own estimate, only 1 in 13. Now, supposing this statement to be correct, the comparison was not a fair one, and for this reason, that the Prussian statistics included every person, from the highest student to the lowest street-sweeper, who was undergoing a course of education, while the English statistics included only those who received inferior degrees of education at eleemosynary establishments. Now, this difference was very great, because, if they wished to make a fair comparison they must add to the estimate of those who were receiving education in England all those who were educated at our universities and great schools, as well as all the establishments maintained for private profit, or by private benevolence. What would be the result? That those who were educated at private expense, and were not to be reckoned as receiving State education, and who were not much more than one-twenty-sixth of the whole number educated in Prussia, in England were at least one-third; and, therefore, in order to institute a fair comparison, the one-third must be added to the number of England. This fallacy ran through all the comparisons with foreign countries, it being a known fact, that in no country of the world did people make such efforts as in England for the independent education of their children. Besides, the accuracy of the statement that one in six of the people in Prussia was receiving education was very question-able, for according to the returns for ten great towns in Prussia, the proportion was nowhere one in six, and averaged about one in nine—a fair estimate for the whole population. But, even if the comparison between the returns for the two countries were fair, it appeared by actual inquiries that there was a much larger number of children receiving education in our own country than the hon. Member had stated. The populations of Prussia and of England and Wales were nearly the same; and, adopting the proportion of one in six, there ought to be in each about 2,500,000 at school. Deducting for the paying scholars in England and Wales (one-third), there would be about 1,700,000 requiring eleemosynary education. But what were the numbers actually under instruction? There were means of approximation. In 1846-47 the National Society, aided by a grant of 500*l.* from the Government, instituted an inquiry, in which they found that the Church of England had in its schools 955,865 daily scholars, being an increase of nearly 400,000 in ten years. There were, however, many schools not here included, maintained by private founders; and considering, besides, the great efforts recently made, there could be no doubt that the number of daily scholars in the National schools was now, at least, 1,000,000. The British and Foreign School Society stated their numbers at 200,000; the Wesleyans, theirs at 30,000. In the pauper unions there were about 50,000. These numbers, amounting to nearly 1,300,000, would leave a deficiency of about 400,000; but that number was, probably, very much above the actual deficiency. The calculation included no return from the Congregational Union, and they had expended 130,000*l.* in the last six years in the erection of schools. Indeed, Professor Hoppus and others, who had made much inquiry into the matter, estimated the number of day scholars in England and Wales at 2,000,000. But suppose it to be true that there were 400,000 children requiring eleemosynary education, and not, in fact, attending schools; were there no causes besides deficiency of means to account for it? If we would carry out a system of day schools in this country, we must revise our whole system of infantile labour. How many thousands of children from five to thirteen were employed for ten, fifteen, and eighteen hours in the day! Look to the metal works in Birmingham, Wolverhampton, and Sheffield; the pinworks, the nailmaking, and calico-printing, in Warrington, in Worcestershire and Gloucestershire, Lancashire, Cheshire, Derbyshire, Kent; the hosiery in Nottingham, Leicester, Derby; the lace-mills; the tobacco manufacturers in London. This was indicating only a few departments of labour; but it would explain that, if our means of education were far greater than at present, we should not be able to produce a full effect on the face of statistical tables, and obtain the desired proportion of children to be educated. No doubt there was a deficiency in some places; in others the means of education superabounded. The Children's Employment Commission, in 1843, stated that instances occurred in which children began to work as early as 3 and 4 years of age; not unfrequently at 5; while, in general, regular employment commenced between 7 and 8; that there were instances in manufactories in which the numbers below 13 exceeded those between 13 and 18; that the hours of work were sometimes eleven, more commonly twelve, and in a great number of instances fifteen, sixteen, and even eighteen consecutively; and he requested their particular attention to the closing sentence:—

> "That, were schools ever so abundant and excellent, they would be wholly beyond the reach of a large portion of the children employed in labour, on account of the early ages at which they were put to work."

The truth was, that to give effect to any such measure as that before the House, they must have a compulsory system, and it must be made penal—an offence to be visited upon the parents of the child, if it did not attend some place of instruction in the course of the day. The hon. and learned Gentleman had alluded to ragged schools, and said they were a symptom of the evil condition of the times. True; but they were a symptom, also, of the great efforts made in the times, and an unanswerable proof that secular without religious education, would be utterly useless, and that religion must be the alpha and omega of all the education they would give to the poorer classes. The hon. and learned Member seemed to think that crime was to be traced in almost all instances to want of education: no doubt, that was in many cases a source of crime, but it was not the only, nor the chief source. Want of employment was the source of a vast proportion of crime. The condition in which the people lived, the influences to which they were subjected, the sunken and immoral state of a vast number of parents, rendered it next to impossible to produce any permanent improvement in many brought into our schools; and so long as you should leave the condition of your great towns, in all their sanitary, social, and domestic arrangements, such as at present, a large proportion of your efforts would be vain, and the education you could give nearly fruitless. But, after all, was the scheme now propounded practicable? Had the hon. Member for Oldham any one of the great bodies of Christians in this country with him? Had he the Wesleyans, the Independents, the Presbyterians, the Roman Catholics? He had quoted Mr. Fletcher, the inspector of schools, as favouring his view of the case, and for severing religious from secular education. Was such a doctrine found in his reports? Why, there did not exist in this country a man more decided for making Christianity the beginning and end, the great principle of all popular education. Then look at the clauses of the Bill; it contained two parts, one administrative, another financial. The inspectors were to have power to inspect every school in the kingdom, including, therefore, Harrow, Eton, Westminster, Rugby, the Charter-house; the terms of the Bill gave them this power, for all schools were included, both those that submitted to inspection, and all that were in connexion with the Established Church. On their report of an insufficiency according to their estimate, in any parish, the overseers were to summon the ratepayers to elect an educational committee, to devise a plan to supply the deficiency, subject to the approval of the Committee of Council on Education, the expense to be paid by a parochial rate. If no educational committee should be elected, or no plan proposed, the Committee of Council was to have power to establish schools. The schools were to be under the management of the educational committee of the parish, or, in their default, the Committee of Council. Here was an enormous power to be vested in these bodies! No parish, however content with its schools, its arrangements, its masters, its system of teaching, would be exempt. In default of the parochial committee, the Committee of Privy Council was to have power to levy rates, and direct what education it pleased. Was there ever such a despotic enactment? Then look at the Bill financially. The first effect of a rate would be the utter extinction of all existing schools, the whole patronage resting with the Committee. A clergyman who had given great attention to the subject, estimated that upon a moderate computation, taking the principles laid down in the Bill and pushing them to their extreme, it would impose a rate of 10,000*l.* a year for secular education only in his parish, which contained 50,000 inhabitants. There would be also a great number of lucrative places to be given away, supported by voluntary contributions. Estimating, on the same scale, the cost for our whole population of 16,000,000, there would be 3,200,000*l.* a year levied in this country for secular education alone, an amount to which they would not object for the great purpose of educating the people on the basis of the Scriptures, but which they altogether refused for secular efforts. But he (Lord Ashley) would rest his opposition to the Bill, not on this ground, but upon the principle that it did not make religion the basis of education. It was not necessary to enter here into the question whether the Church of England were or were not the true and authorised teacher of the people; there was a question anterior to all established churches, whether Christianity should or should not be framed in our national seminaries; the issue was, whether religion should or should not be the alpha and omega, the basis and topstone of all education undertaken by the State. No reason was assigned for dissevering religious from secular education. One could understand the State declaring that it would leave education wholly to private enterprise, or that it would not undertake to teach special creeds or decide in controverted matters; but here the State was to declare that having undertaken to educate the people, it would withhold the one thing needful, and refuse to give that which alone conferred force and efficiency upon all the rest. In what age or nation had it been attempted to impart the principles of self-control except by the guides and restraints of religion? Look at all the codes of the ancient lawgivers—look at all the systems of the malservice and honourable periods of heathen antiquity; had they ripened the conscience by the fear of man, who may be deceived? Had they not done so by the fear of God when nothing can escape? Such was their system; and should we, with our greater lights, be less wise and principled than they were? Upon what authority was the measure to be adopted? The proposition of 1839 could not be quoted, for there provision was made for religious teaching without the walls of schools; nor the Irish system, for there Scripture extracts were admitted. Truly, we seemed standing upon the confines of a new era. The House was discussing whether it should establish by law a system of education from which by law all Christianity was to be excluded. Talk of the persecution and oppression of church rates!—Tithes and church rates were a recognised burden upon property acquired subject to it, and though some might object to the special form in which the teaching was communicated, tithes and church rates were for the maintenance of the name of God throughout this land ; but now a new burden was to be imposed for the support of a system from which the name of Christianity was to be excluded. Would that be no infliction upon the consciences of thousands—nay, of millions ? A system of education for the people of a Christian country was to be instituted; by what authority, drawn from the word of God, for surely on this point no other could be allowed, was His word to be excluded ? Necessity was pleaded for the institution of the Irish colleges; but seven-tenths of the people of this kingdom were willing to receive education even according to the doctrines and discipline of the Church of England, and the whole of them education according to the Scriptures. Would the proposers of this scheme say they preferred a secular to a religious education ? Then let them produce their proofs of its superiority. Would they quote France—Prussia—any continental State ? Were they not telling the people of England that a religious education was altogether unnecessary? The people would have a right to draw that inference—for, had the State thought it valuable, that education it would have imparted. The only ground upon which the State could interfere in the matter of education was, that the people should be made good and moral citizens; how could that be achieved without the perpetual sanction of religion ? Were we to tear up by the roots the principles which had borne us safely through many ages, and which, however imperfectly inculcated and imperfectly obeyed, had made us, with all our faults, the best and freest portion of the human race ? At what time, too, was this proposition made ? The supporters of this measure were propounding schemes for extension of the suffrage, and for the increase of individual liberty; and ought not the influences of religion to be more than ever applied, and the principle of self-control inculcated, that the exercise of these privileges might be safe and beneficial to the nation ? He (Lord Ashley) had been much struck in reading some laws passed in the French National Assembly, and the bitter experience of that nation might be a warning to us. By the law of the 15th of March, 1850, the *Conseil Superieur de l'Instruction Publique* was to consist of ecclesiastics and members of various religious denominations; the first provision was for "moral and religious instruction." A report presented to the Chamber in 1849, contained this passage:—

> "Constrained by the evidence of danger to ask the Assembly to adopt a law of repression, we shall shortly ask one of a different character, one which shall prevent measures of rigour by founding our system of national instruction on the solid grounds of morality and religion."

In the report of March, 1850, on the law for the "*enfans trouvés*" there was this article—"Every child confided to the public care must receive a religious education." In a recent visit to Paris, he (Lord Ashley) found it the universal testimony from persons of all ranks, and all politics, that religion alone—the religious habits of the people—had enabled England to stand erect during the time of European convulsion. Yet we were now to introduce a system of education which, if not in words, at least in act, would deny the truth and necessity of these very principles. Nothing was more true than that religion had saved this country—borne us through famine and disease, and carried us through long and perilous wars; and the civilised world had not seen a nobler spectacle than when our thousands and our millions flocked to the places of worship to acknowledge the mercies of Almighty God on the days of humiliation and thanksgiving. It was now proposed to us—and we must decide—"Choose ye this day whom ye will serve." He (Lord Ashley) could only answer for himself—yet he believed he might give the answer in the name of millions in this country—"As for me and my house, we will serve the Lord."

Mr. M. MILNES said, he could hardly hope, after the manner in which the debate had been carried on, to divest it of the unparliamentary tone that had been assumed throughout. He believed that if a stranger had come in during their proceedings, he would have been quite at a loss to form the least idea as to what the subject before the House really was. One hon. Member warned them not to follow the example of France, and yet, almost in the same breath, told them that the French system was based on the spirit of religion. Other hon. Gentlemen told them not to follow the example of Prussia, and yet the only ground they gave for their advice was, that the Prussian system was very little superior to their own. He was willing to rest the question on a great principle. He took it that this Bill was an attempt, by means more or less advisable, to supply, as far as secular education was concerned, the deficiency of combined secular, moral, and religious education in this country. This was a question that should not be viewed upon a narrow basis. It was one which was not confined to the part of the country which the hon. Gentleman represented, but affected the country at large. It was not a question of statistics only. It was one which was daily presented to their consideration, and which should be dealt with by their common sense. It would have been better if, instead of opposing the Bill in the spirit in which it had been opposed by the hon. Member for North Northamptonshire, and the noble Lord the Member for Bath, those hon. Members had come forward and submitted plans of their own. They had to consider whether they would or would not attempt in some way or other to remedy the defects that existed in the present mode of giving the people a secular education. If the hon. Member for North Northamptonshire, or the noble Lord the Member for Bath, were to ask him which he would prefer to give the people—an education which would combine sound religious with secular instruction, or secular instruction merely, without any portion of religious teaching—he would undoubtedly give the preference to the system which would combine both. But the difficulty was to contrive such a system. Let the noble Lord the Member for Arundel try if he could revive the old system of Catholic education—let the Dissenters try to impart in schools the teaching of the doctrines which they professed—let the Churchmen try to give instruction according to their system—there would still be left a vast number of ignorant poor whom it would be necessary to educate. And he would reply to the objections raised against this Bill by the hon. Member for North Northamptonshire, and the noble Lord the Member for Bath, in the words of the Primate of the Church of England, who had said, that of all obstacles to improvement in the condition of the people, ignorance was the most formidable. Difficulties vanished as fast as the standard of intelligence was raised, and the more the people were educated the more likely were they to listen to any reasonable suggestion for their benefit. That was the answer which he would give to those hon. Members. In 1844, Her Majesty's Government made an attempt to establish an educational system upon a very large and liberal basis in the factory districts of the country; but the right hon. Baronet the Member for Tamworth was asked—what was wanted of a State education in those districts, where private charity would supply ample means? Well, very large subscriptions had been made for the purpose. But what, he would ask, was now the state of their funds? Were they competent to carry on the education of the people? Was the state of education in the factory districts at present what it would have been if the Bill introduced by the right hon. Baronet the Member for Cumberland had been passed into a law? He assured the House, especially his hon. Friends opposite, that it was with very deep pain, and much anxiety, that he felt himself obliged to give up the hope that the education of the people of this country could be accomplished completely by the Church and the other religious bodies, because he could not conceal from himself for a moment the fact that any number of State instructors could not do what the people themselves could do, if they were acting under the influence of strong religious zeal. But the religious education promoted by the zealous would still go on; and it was only to supply the deficiency that would still remain that the Bill before the House professed to accomplish. He begged of hon. Members to consult the papers relating to juvenile crime, which he had laid upon the table a few days ago, and to see if it were not their duty to their country to prevent ignorance from still continuing to produce such lamentable results. He asked them, would they continue to allow generation after generation of those poor creatures to perish, rather than give up their preconceived ideas. ["Divide, divide!"] He begged the House to listen to him. The subject was very important. ["Divide, divide!"] Well, he would yield to the wish of the House, and conclude by asking hon. Gentlemen opposite to temper their zeal with discretion upon the question, and to consider whether they were justified in refusing mere secular education to the people of this country. Why, in their public schools for the middle and higher classes of society, the system of education combined religious with secular instruction; and surely no one could be found to contend that the religious instruction in them was paramount. He begged hon. Gentlemen to be cautious how they encouraged bigotry in their hearts. He trusted that when next the question came before the House, it would not be discussed in that violent theological point of view which had characterised much of the present debate. but that it would be looked upon as one of vital importance, seeing that thousands of children were heathens now with the heathen's God, and that ragged schools and all other eleemosynary plans had failed to educate a large section of the community. He hoped the noble Lord at the head of the Government, and his colleagues, would not recklessly throw away this opportunity without pledging themselves to take the subject into consideration. They were the reformers of the people; but to be the educators of the people was a far higher and more glorious title, inasmuch as, without education, even reformed political institutions might be rendered difficult and dangerous.

Lord J. RUSSELL: Sir, I would be very glad if this Bill, which has been introduced for the purpose of promoting education, had been such as that I could fairly give it my support upon the second reading. In treating of this Bill I will endeavour to avoid as much as possible anything that may savour of passion or of intemperate language whilst stating my objections to it. I will endeavour to make every admission that I think is fairly due to the promoters of the Bill, and to the Bill itself. In the first place, therefore, I may say, notwithstanding some allegations that have been made, that I think there is still a lamentable want of education for the poorer classes in this country; and that it still remains a desirable object for Parliament to promote and succour the education of those people. In the next place, I must say that I think an unjust inference would be drawn from the words used by my noble Friend the Member for Arundel, who seconded the Motion for the second reading of the Bill this day six months, if it were concluded from what he said, that if we were to establish schools where secular education only was admitted, it would follow as a necessary consequence that the opinions of the authors of some writings which he would read would be at all popular amongst the teachers in those schools. I own I very much doubt, even if Parliament were to declare that certain schools should be established in which secular education only should be permitted to be conveyed, whether, in selecting the works upon history, grammar, geography, and other subjects of secular instruction, we would find that, with the prevailing habits and opinions of the people of this country, there would be any inclination to adopt those authors as a standard of creed and belief, and whether the people would not rather go to the clergymen of the Established Church, or to the ministers of the dissenting congregations to whom they were accustomed to look for religious instruction, in order to obtain from them their principles of religion, rather than take them from such sources as my noble Friend has alluded to. But having made these admissions, it remains a very great question whether we should declare that there should be schools established upon the principles laid down in an Act of Parliament, in which schools secular education only should be given. I own I cannot but think that any education established on such a basis must be lamentably deficient. I cannot but think that nothing but the most absolute necessity should oblige Parliament to come to such a conclusion as that they should establish by preference—that they should establish, as it were, as a matter of course, a system of education for the children of the poor of this country from which religion should be entirely excluded. To establish such a principle without an absolute necessity would be a grievous falling off in our own duty, both to our religion and to our fellow-countrymen. I can imagine that there might be places where such a secular education might be the only education that was possible; and I can imagine that, supposing it were advisable to have public rates for the support of public education, and that the inhabitants of a parish were so divided by religious dissension that they could not come to any conclusion as to the mode of imparting religious instruction, and that it was impossible to admit even the reading of the Bible in their schools, the State might interfere, and say that in that extremity it was better to give a secular education to the children than to let them have none whatsoever; and that it might give to the inhabitants of that parish a power of establishing such schools. But the proposition in this Bill differs as widely as it is possible to conceive from such a proposition. The Bill appears to me to be as contrary to all freedom of choice—to be as little conformable to the usual liberty that is allowed to Englishmen upon those subjects—as anything which it has ever been my fortune to see introduced into this House. The course which the Bill takes is not a little singular and remarkable. In the first place, the inspectors of schools appointed by the Committee of the Privy Council on Education, who have the confidence of the Committee of Privy Council, might or might not have the confidence of the people of the Church of England, or of the British and Foreign School Society, or of the Roman Catholic body. They might have the confidence of one or other of those bodies, or of none. But they are to state in their reports, in the first place, their opinion of the

"state of secular education in each parish of their respective districts, and of the adequacy of the existing provisions of each parish to afford secular education for the wants of the entire population thereof; and that in such reports the said inspectors shall take cognisance of secular education only; and in estimating the proportion of educational means to the wants of the entire population, private schools which submit to inspection by the inspectors of schools, and schools in connexion with the Established Church and any other religious body, shall be included; and regard shall be had to the effect of every exclusion from instruction, whether arising from the expense of schooling, from peculiar or special religious teaching adopted in any school, or from any other cause whatsoever."

The House will observe that it is not stated that the inspector is to go by any rule in framing his report. He is not obliged to say, for instance, that there are, suppose five hundred children in the parish, of whom one hundred do not go to any school. His discretion is very much wider—he is to state whether the education is adequate. But it would depend entirely upon his opinion as to what might be the amount of exclusion from instruction, owing to the peculiar religious teaching adopted in the schools, and to say whether, taking all the circumstances into account, the instruction offered was adequate. The next step is, that the inspector having made his report, the Committee of Privy Council shall issue an order to the overseers of the parish, directing the ratepayers to choose an educational committee for the parish. Now there is no choice left to the parishioners. They must at once appoint an educational committee. The educational committee can then raise rates for furnishing the means of support to the schools, which rates might amount to 10*s.* in the pound, and they are to found schools in which gratuitous instructions shall be given, and that instruction is to be solely of a secular kind. Why, Sir, we must consider that we are dealing with a country in which many schools have been already established—schools which, however they may differ generally, all agree in one great principle, and that is, the imparting of religious instruction to the children. In some of those schools the children are educated in the principles of the Church of England. We have schools connected with the National Society, which require that the children shall go to church on Sunday, and learn the Bible and the Catechism of the Church of England. Then there are the Wesleyans, who have the Bible taught in their schools, and the Church of England Catechism, but who do not insist upon the children going to church. Then we have the British and Foreign School Society, which orders the reading of the Bible, and makes it indispensable, but which does not admit the catechism or formularies of any particular denomination. We have then the Roman Catholic schools, which are under the direction of their own priesthood, according to whose views and opinions many subjects of school instruction are mixed up with religion, and which are conducted according to the opinions and religious teaching of the community. Here, then, Sir, we have many differences. I will not go through the Congregationalists; but through them all, many as are their differences, runs this one great principle, that, according to the opinions and consciences of those who superintend those schools, and whose money, labour, and time are devoted to them, religion is the grand and uniform object. Well, then, Sir, I say, that if such be the case—if such be the prevailing opinion of the people of this country, it is too much to come forward and attempt to establish schools which should oblige the ratepayers of any parish to subscribe to the purposes of them, whilst disapproving of the principles upon which they were established—the more especially, inasmuch as their giving gratuitous instruction would have the effect of destroying altogether all the existing schools, where payments are made by the children. And, further, where there are gratuitous schools already existing, they also would be destroyed by the reduction of the means of supporting them, in so far as the rates would be increased for the support of the new. What is the feeling which has been excited by this proposition, I will not say amongst Church of England people, but amongst other bodies? I will mention one as an instance. I will beg to direct attention to the feeling displayed by the Wesleyan Committee who have protested against such a method of public education being adopted:—

> "Against any such method these united Committees feel themselves bound to enter an earnest and renewed protest. The children whom it may be deemed necessary to educate, in whole or in part, at the public expense, are (equally with all others in more favoured circumstances) immortal beings; and any system of instruction which does not regard them in that light, and deal with their highest and most enduring relations, must ever be viewed by these Committees as essentially defective, and calculated by its omission to exert a most dangerous influence on those who receive it. A just regard to the welfare of the labouring classes, and of the poor generally, requires that in any provision to be made specifically for their education, daily instruction in the Holy Scriptures should be most carefully included."

And I believe that the opinion of the Wesleyans is the opinion most likely to be entertained by all those who are engaged in the great matter of education in this country. And therefore I say, in the first place, agreeing with the hon. Gentleman who supported the introduction of the Bill—do not interfere with the conscientious liberty of the great body of the people of this country, whether they be Churchmen or Dissenters — don't interfere with their very liberty of action, but allow them to continue the system of education which they have hitherto supported. In the next place, as I have already said, I think the education that we would give without religion, though it may even be an extremity, which we would only permit in certain cases, must always be exceedingly inferior to any education which admits of the teaching of the Bible. I cannot but think that it would be a great fault in instruction, when we are providing by Bill or law for the education of the people of this country, not to inform them of the great and leading truths of religion. And when we are teaching moral doctrines we would lose nine-tenths of the force with which those moral doctrines would be inculcated, if we be prohibited from saying to the children that those are the precepts which were given to us by Divine authority, which had received the Divine sanction, and upon which their eternal welfare depended. But, Sir, when we should have established those schools, what do hon. Gentlemen expect will be the result? I cannot but think, according to what I have already stated, that there would be in the first place a very great discouragement given to all those who are now occupied in teaching in schools supported by voluntary contributions. I certainly understood the hon. Gentleman when he first proposed the Bill, when he asked for leave to introduce it, that the first and main object of it would be the supporting, by rate, the schools which were already existing, and that any schools which were to be added would be supplementary, as it were, and would be merely in addition to the existing schools. But, Sir, I own I cannot read this Bill without considering that it is intended that these secular schools are to be a substitute for the existing schools; and how are the people of this country who wish to avoid establishing such schools, if this Bill becomes law, and we are to suppose the Committee of Privy Council as agreeing with the plan laid down by it — how are those who still maintain their opinions in favour of religious instruction, and who still maintain their love for the old schools, and the teachers to whom they have been accustomed, to support their schools? Sir, I find that the Bill is so framed that there is no mode of escape on the part of the people left. The edict is to go forth, and the parish must forthwith appoint an educational committee. And if it should refuse, or that the educational committee would not perform its duty, then what is the course presented by this Bill? Why this—

> "That in case no educational committee as aforesaid shall be elected in any parish, in pursuance of the direction of the said Committee of Council, or if no such plan as aforesaid shall be proposed by such educational committee, or being proposed shall not obtain the sanction and approval of the said Committee of Council, it shall be lawful for the said Committee of Council to undertake to supply the deficiency of provision for secular education by the establishment of a free school or schools under this Act, and to exercise the powers hereby given to the educational committee of such parishes."

Why here was a power given to the Committee of Privy Council in these few words, to force on the people a free school according to this scheme, and to levy on them certain rates and taxes, such as the Committee may think necessary. This was a despotic power which he should be very unwilling to see granted. When the present Committee of Privy Council was established, the noble Lord the President of it, took special care, in writing to me on the subject, to say, that he conceived that the powers of the Committee should be limited to a disposition of the grants made by Parliament for the purpose of education. This was a limited power. The grant was first made by Parliament, and the Committee of Privy Council disposed of it according to the rules and regulations laid before Parliament. If Parliament did not make a grant, the power of the Privy Council ceased; but by this Bill a power of taxation was given which, if the calculation given by the noble Lord the Member for Bath were well founded, amounted to 3,000,000*l.* If it were only 1,000,000*l.* instead of 3,000,000*l.*, it was still an enormous power of taxation, and that for an object which might not be asked for by any parish, and not desired by the people who would have to pay it. I regret, Sir, that this Bill is framed in a manner so different from that which I expected, and in a manner which I cannot believe will be in conformity with the opinion or the wishes of the people of this country. While I say this, I must again repeat that I do not think that the means provided for education are such as to enable us to rest satisfied with what we have done. I think, in the first place, it would be most desirable, if we could obtain before we went further, fuller information than that which Parliament now has at its command, as to the means of education existing, and the number of schools established since 1833, the date of the last full information. It is most desirable, too, that it should be ascertained, where there is a deficiency of education, whether it arises from want of schools to which parents may send their children, or from a state of poverty in the district, or from the employment of children so continuously and at so early an age, as to hinder them from receiving education. Information on these points is much wanted, and when it is obtained we can reconsider the subject. That it is one full of difficulties I admit. The right hon. Gentleman the Member for Ripon, when he was in power, brought forward a scheme for the education of the children employed in factories. I hailed the effort then being made as one which was likely to prove useful; but there arose so much opposition to it that the right hon. Gentleman, after all the pains he had taken, was so completely foiled in his efforts to satisfy all objections, that he was obliged to abandon the scheme. A great part of those objections were, that the religious bodies were apprehensive that the freedom of education would be interfered with; and one dissenting minister, from a town in Lancashire, told me that no less than 2,000 children were there educated by the voluntary efforts of the people, and he was afraid that the schools thus formed would be destroyed by the scheme then being introduced. These apprehensions, so natural—so widely spread—belonging no less to the Church than to different classes of dissenters—these objections, so deeply rooted and so widely extending, ought to render us very cautious not to run counter to the feeling in question, and not to encounter the danger of producing the effects dreaded by those who entertain it, namely, the weakening of voluntary zeal, and the crushing of voluntary exertion. That we may, by voluntary efforts, still do much, and that we may arrive at some scheme by which education may be promoted, is what I hope. I regret that the present Bill is such as I think it impossible for the House to assent to. When I say so, my general wish for the education of the people of this country is not in the least diminished in zeal or intensity; but I do wish, in the words of a former sovereign of this country—that all its people may be enabled to read and benefit by the Bible—that they may read it at an early age, when they are first beginning to receive the lessons of morality and instruction—that the Scriptures should not merely be received by them as a present, when they leave school, but that it should be their constant companion and guide—held in reverence and respect during their whole educational career.

Mr. HUME had entertained hopes that Parliament, seeing the extent to which ignorance not only prevailed, but was increasing, would have seized on this opportunity of applying a remedy. He was truly sorry that any part of the British nation should wish to withhold from their fellow countrymen that education which would enable them to study the truths of Scripture. Let them look at the United States, and say if secular education had produced the evils foreshadowed by the noble Lord at the head of the Government. After the speech of that noble Lord, he feared the case was hopeless, and he only wished to express his approbation of the Bill, on the ground that he wished to see the benefits of education shared by all. He regretted the sentiments which had fallen from the noble Lord in reference to the Bill—sentiments which were at variance with the whole tenor of his conduct. Education was the birthright of every subject; and, seeing the amount of crime engendered by ignorance, he did not think it unjust to make it a subject of taxation, especially as they had precedents for such a course; and, amongst other things, had lately enforced sanitary regulations by compulsory means, upon the principle of making private sacrifices for the general good.

The MARQUESS of BLANDFORD: In presence of those opinions so ably and so religiously expressed which have fallen from hon. Members who have opposed the measure introduced by the hon. Member for Oldham, it is not with the idea that I may be enabled to adduce any additional argument that I rise to ask the indulgence of the House for a very few minutes; but, Sir, I feel that my conscience has laid upon me a responsibility from which I cannot acquit myself, of not permitting a measure of this nature to come before this House in which I occupy a seat, without endeavouring to give a more decided testimony against it than a mere silent vote would be able to afford. Sir, upon a question of such great importance, so intimately affecting so large a portion of the people of this country, it is not surprising that a variety of views should be entertained as to the method of communicating instruction, and a number of opinions expressed within and out of this House. But, Sir, we have here a proposition of a novel character, and one which, if its ultimate effects could be as clearly distinguished as its propositions are now clear and unmistakeable, I do believe that every lover of his country's truest welfare would unhesitatingly reject. Sir, we are called upon by the hon. Member for Oldham to give our consent to a Bill which professes to supply the deficiencies which exist in our system of education, by the introduction of a purely secular element. The hon. Member has endeavoured to show, by statistical returns, that while, since the year 1842, there has been a general decrease in the number of commitments both in cases where the education had been good, and where there had been no education at all; yet among those who had only been imperfectly instructed, there had been a considerable increase in the number of commitments. Now, Sir, from the showing of the hon. Member we must infer from this that there has been some element introduced into the uninstructed mind of youth which has rendered it more apt for crime; and what should we be affirming upon such an inference by passing a Bill to remedy these increasing commitments, and containing only a purely secular element? Why, Sir, we should virtually be asserting that unheard-of proposition, that religion must be abandoned, as unsuited to the mind and capacities of youth. Sir, it may be said, in reply, that the present Bill does not contemplate any such thing—that the children may receive religious instruction from their parents—and that there are the other means provided under our present system of education, with which the present measure does not interfere. Now, Sir, I trust that I am not harbouring an undue suspicion, but, looking at the proposed object of this Bill, I must say that I am not surprised that it does not direct an open and unmasked assault against those institutions and practices with which, I thank God, that the affections of the people of this country are yet entwined; but, Sir, I believe that it will be by the appliance of a purely secular element that these institutions will be weakened; and, if we thus attempt to fill up the deficiencies which every one must admit to exist in the system of education, it will be by an absorbing principle which will dry up the life, and eventually menace the very existence, of the Christian religion. Sir, if there was one valid argument deduceable from common sense which might be held up in favour of this measure, tremblingly we might approach it, in order to weigh and consider if some new phase had appeared for which it might be well to hazard the wisdom and experience of past years. But, Sir, there is really none, for the question resolves itself into this, what is the object of legislation, as far as education is concerned? Is it not the good of the people—the instructing their children in their duties, their responsibilities, and their privileges? Attempt to do this, but do it without imparting that essential element in all human instruction, for the due reception of which the moral being of man was created, namely, the knowledge of his Creator, and you would not be the people's friend, but their enemy. Bring them to an age when the time is well nigh passed for them to receive those impressions which are to be their restraint in after years, when they have no inclination for reviving them, and then present them with a copy of the Holy Scriptures: this would be mockery indeed; you may make them vain with secular acquirements, but you will have put a suicidal weapon into the hands of the people; you will have taught them to desire great things, without, at the same time, giving them that corresponding portion of instruction which from God's word teaches them to be loyal, faithful, and contented subjects; you will have allowed them to contemplate illusive schemes of prosperity, which are not to be attained by peaceful and honest efforts, but are sought in the inflaming, not in the curbing of human passions. Now, Sir, this House has, on other occasions, witnessed debates arising out of the difficulties which encompass legislation with regard to the amount of interference that the State should exercise over the education of the country—a question with a totally new aspect is now presented to us, and one which I most sincerely hope that both Her Majesty's Government and all who value the truth of Scripture will combine to condemn. I, Sir, am far from being one of those who consider that matters of religion are so far removed from being questions of State, that the latter may not, at times, exercise a very large and salutary influence upon matters of the deepest religious importance. Sir, I rejoice to think that both Church and State are, by the constitution of this country, indissolubly united in the sacred person of Her Majesty; but if this be true, then the interests of the one, as the proper guardian of religious truth, impose a solemn responsibility upon the authority of the other; and it would have been with the deepest regret that I should have seen a measure of this nature obtaining any favour or support from Her Majesty's Government. Sir, the words which fell from the lips of the noble Lord the First Minister of the Crown at the close of a very recent debate, are fresh in my mind, and have imparted a hope which would make me turn to the prospect of seeing a large measure of the influence of the State directed to the improvement of the religious condition of the country. Sir, I hardly know whether my position of such short standing in this House may warrant the remarks I am about to make, but we have each a solemn duty to perform, and I will say that I believe that such a course, pursued with a plain and upright purpose, would go far to remove those perplexing difficulties with which legislation on those subjects is surrounded; it might make foes, but it would raise up friends—not any precarious ones, but firm and true partakers of its own integrity; but, above all, it would nobly exemplify the truth of this, "that he which ruleth over man must be just, ruling in the fear of God."

Debate adjourned till Thursday, 2nd of May.

The House adjourned at twenty minutes after Five o'clock.

HOUSE OF LORDS,

Thursday, April 18, 1850.

MINUTES.—*Sat first*, The Lord Godolphin, after the death of his Father.
1ª Process and Practice (Ireland).
2ª Pirates (Head Money).

PIRATES (HEAD MONEY) REPEAL BILL.

The MARQUESS of LANSDOWNE, in moving the Second Reading of this Bill, did not consider it necessary to say more than that the object of it was to repeal the law under which all persons engaged in the capture or destruction of piratical ships and vessels were entitled to be rewarded by head-money. It was a measure adopted when piracy at sea was more universal than it was at present. In the early part of the reign of George IV. the sea on the coast of China swarmed with pirates; and it was with a view of stopping their atrocious proceedings that the Act of the 6th of George IV. obtained the sanction of Parliament. It was not intended by the present Act to exclude all persons engaged in the capture or destruction of pirate vessels from rewards; but it was thought better to give to the Crown the power of rewarding them according to the nature and extent of their services.

LORD COLCHESTER observed, that piracy formerly existed to a great extent in the Mediterranean as well as the West Indies, and indeed in all parts of the world, and the Legislature thought it desirable that rewards should be given to Her Majesty's forces for the performance of services frequently attended with great danger and loss of life. An analogous case was that of rewards given during the war, for the capture of privateers belonging to nations with whom His Majesty was at war. With reference to the present Bill, he must say that he thought it would be very inconvenient to apply to Parliament in every case of a pecuniary reward being earned, and perhaps the noble Marquess would say in what manner the reward was proposed to be given.

The MARQUESS of LANSDOWNE said, that the Admiralty would have the power of adjudicating the reward in every case.

The EARL of ELLENBOROUGH was of opinion that if the noble Marquess had referred to the Act which this Bill was intended to repeal, the course which he would have recommended the House to pursue would have been somewhat different. The party now engaged in capturing or destroying piratical ships and vessels would have to go to the Admiralty to get his money for such services; but the misfortune was that the money was already earned. Nay, more, the noble Marquess would find that the money would be claimed by parties rendering such services. The principle was admirable that the Admiralty should adjudicate upon all such services; but his objection to the Bill was that it did not give the Admiralty the power of paying the reward. It would not be difficult to fix a limit to the rewards which the Admiralty should be authorised to pay; and he suggested to the noble Marquess that such a limit should be at once fixed. He approved of the repeal of the existing law, for the remuneration which it authorised was extravagant. It was four times the amount of that given to those who captured or destroyed ships and vessels in action with a national enemy. He had recently seen with feelings of the deepest pain an account of an action where, without the loss of a single man on our part, British ships with shot and shell and 32-pounders had captured, destroyed, and sunk certain vessels and ships alleged to be piratical. On the coasts of China it might be necessary that such military executions—for he could characterise such attacks by no other term than that of military executions — should sometimes be inflicted. He did not, however, think them justifiable on the coast of Borneo. He thought that an engagement of such a kind as that of which we had recently heard was not in the purview of Parliament when it passed the Act of the 6th of George IV. It never could have been the intention of the Legislature to give head-money for the destruction, he would even say the extermination, of whole tribes, by 32-pounders for alleged acts of piracy. Another objection to this Bill, in his mind, was, that it took notice only of actions at sea; but the most daring and dangerous operations against pirates occurred when they had left the sea, and had drawn their ships up the rivers, and had made stockades and other defences for their protection on shore. He recollected a case some two years ago, where considerable danger was incurred and much gallantry was displayed by our seamen in forcing the stockades of some pirates on shore, where a boom was even thrown across a river to impede, if not to prevent, our approach. This was not, however, the case in the recent engagement to which he had already referred, where the boats of the natives were met in the open sea, not engaged, as he was informed, in piratical enterprise, but in carrying on an international war. There was likewise another point to which he wished to call the attention of the noble Marquess, as some additional provisions were required upon it. Where pirates were pursued and attacked in the eastern seas, the ships of the East India Company, as well as those of Her Majesty, were oftentimes engaged. No provision was made for taking into account the services rendered by the ships of the East India Company, and no remuneration was made to the officers and seamen employed on board those ships. It was only fair that they should be placed in similar circumstances, as to remuneration, with the officers and seamen of the Royal Navy. Not that he wished their reward to come from the public purse of this country; but the East India Company, he thought, should be placed under an obligation to do that for its officers and seamen which the Admiralty was to be authorised to do for the officers and men of Her Majesty's Navy. He did not altogether approve the principle of the present measure, namely, that all the information relative to the capture and destruction of piratical ships and vessels should be placed before the Admiralty, and that thereupon the Admiralty should suggest to the Chancellor of the Exchequer what vote he should propose to the House of Commons for the remuneration of the captors. He had every respect for the House of Commons, but he must express his doubts whether a numerous representative assembly was the authority to which it would be the most convenient to refer for the purpose of fixing the precise remuneration to be given to the men and officers engaged in action with pirates, or parties whom they might please to treat as pirates. This, however, must be the case now, as the Admiralty had only the power to recommend a vote to the Chancellor of the Exchequer, and had no funds of its own out of which it could make good that vote. The Chancellor of the Exchequer must go to the House of Commons, the papers in each case must be printed, and on the evidence of the papers so printed the House of Commons would have to decide in each case. This was an unknown principle for the House of Commons to act upon, and would be found full of inconvenience in practice. It should be left to the Crown to decide what rewards should be granted to its naval and military officers. He then gave notice that when the Bill got into Committee he should move a substitute for one of the present clauses, the effect of which would be to give the same power of conferring rewards on those engaged with pirates on shore which was now granted to the Admiralty with regard to those engaged with pirates at sea. He should also propose some minor amendments for the purpose of avoiding some inconsistencies which he perceived in the Bill at present.

The EARL of ELLESMERE intended to confine his observations on this subject to one object alone, and that was, to doing justice to an individual whom every one would rank hereafter with the heroes of civilisation—he meant Sir James Brooke. What the noble Earl had just said in his speech about Borneo, was calculated to give countenance to the observations which had been made on that subject elsewhere, and which he never expected to have heard repeated in that House. For his own part, he could not see the distinction which the noble Earl had drawn between the commission of piracy on the shallow coast of China, and its commission in the deeps which surrounded Borneo. The noble Earl would find it difficult to get legal evidence of piracy in cases where the pirates murdered every person who fell into their hands; but, in the present case, there was sufficient evidence to prove that the persons whose operations Sir J. Brooke intercepted were engaged in the most sanguinary piracy. When he heard the noble Earl complaining that we had brought shot and shell and 32-pounders to bear on boats filled with naked savages, he could not help asking the noble Earl whether he would have us dispense with all the advantages which the superiority of skill and ingenuity and civilisation gave us in our future contests with the natives of the East? Would he have us sacrifice the lives of our seamen and merchants and fellow-countrymen in the seas of Borneo by neglecting to use the means which Providence had placed at our disposal for their protection against pirates? If so, it would be better for us to give up at once all our schemes of colonisation, and all our attempts at civilising the world. He could not hear any question started in that House injurious to the character of Sir J. Brooke, without entering his protest against it, and without disputing the distinction, which the noble Earl had endeavoured to draw between international war and the most atrocious piracy. He (Lord Ellesmere) had done all that he could to obtain from the Government the establishment of Labuan; and he had little doubt that under the salutary superintendence of Sir J. Brooke, with whom he had no personal acquaintance, it would soon become a thriving and flourishing settlement.

The EARL of ELLENBOROUGH would repeat what he had formerly said. He thought that the whole character of the operations which were in contemplation by the natives of Borneo savoured more of international war than of that which we called piracy. The law which it was now sought to repeal, never had in its purview any interference with operations of international war. It looked to piratical objects, and to piratical objects alone; it never once contemplated the extermination of whole tribes. The tribe which we had attacked was not in vessels or ships of war, but in boats; it was not in possession of musketry, it was only armed with bows and arrows, and it was only in contemplation of future danger to European commerce that it was attacked and exterminated. The noble Earl had informed their Lordships that he had done all that he could for the establishment of Labuan. He (the Earl of Ellenborough) was in office at the time. He had read with the greatest care and deliberation all the papers presented to him on the subject, and he had then done all that he could to prevent the establishment of Labuan. Nothing had since occurred to satisfy him that he had been wrong in so doing. Labuan had now twenty-nine inhabitants, and five of them were women. That population was fixed on a small peninsula, the whole of which, during five or six months in the year, was a swamp. It was said that a company was formed to work the mines of coal it contained. Whether such a company had ever been formed he could not say, but this he know, that no company had yet appeared to work any mines there. It was utterly useless to England, but it was not useless to those who, like Sir J. Brooke and others, were speculating in Borneo. It would require for its protection a naval force which was not necessary for the interests of our commerce in Borneo, although it would have a tendency to favour the pretensions of Sir J. Brooke. He had recently read with great alarm a proposition of Sir J. Brooke to establish a fort at the mouth of one of the rivers of Borneo, and to post armed vessels at the mouths of two other rivers, and he now warned the Government against the occupation of any part of Borneo by the troops and sailors of England. We had already colonies enough, and we should be weakening our naval and military force most injudiciously by taking possession of new settlements, which we should have to defend by military garrisons in case of hostilities with an European power. He therefore augured ill of that proposition. They might depend upon it, if they once set their feet in Borneo, and proceeded to build forts there, that they would be led on step by step from one war to another, and from one conquest to another, until they were involved in transactions which would tend, not to the prosperity, but to the injury of this country.

EARL GREY said: The noble Earl who has just resumed his seat has stated that the operations of these pirates were more in the nature of international war, than what might properly be called a piratical transaction. I hold in my hand a copy of a paper which I received by the mail of yesterday, a Singapore newspaper, containing an account of the proceedings in the admiralty court in that settlement, which, I think, afford the most conclusive answer to that allegation. I find there copies of the depositions of numerous parties with respect to what had been the conduct of that very fleet of pirates which Sir James Brooke and the force employed under his directions attacked and destroyed. I will not trouble your Lordships by reading at any length the depositions of these persons, but will refer to one or two merely as specimens :—

> "Burut, a Bornean, maketh oath and saith, that his residence is at Brune, that he was at Mato when that place was attacked by the Serebas pirates about two months ago. Deponent was one of the crew of a large trading prahu, about 60 ft. 5 in. long, and 17 ft. beam, built at Striki, belonging to Nakodah Masallah, and had just arrived at Singapore: the cargo was piece goods. On her arrival at Mato the greater part of the cargo was landed. The prahu was anchored outside the defences across the river; there was another large prahu there, also laden with sago, and bound for Singapore. The Serebas pirates captured, plundered, and burnt both these prahus: the crews escaped on shore. The fleet then attacked Mato, and were beaten off; there were upwards of 100 prahus. If it had not been for the booms secured across the river below the town, the place must have been taken. These defences were made to protect the town against the people of Serebas and Sakarran. The deponent is certain that the fleet was either from Serebas or Sakarran."

That is one case, and there are dozens of similar ones. There are cases of fishermen in their boats, engaged in peaceful occupations, attacked not only for the sake of their property, but for their heads, for your Lordships are probably aware that it is considered a great achievement to have a number of human heads hanging up in the houses of the savages. Then we have, my Lords, depositions of unfortunate men, driven from their boats, and wandering about the interior in a state of the utmost wretchedness, to escape from the pirates —boats engaged in the peaceful occupations both of fishing and commerce—instances of whole villages along the coast attacked without warning by these piratical fleets, and atrocities of the most monstrous character perpetrated up to the very moment in which they received the treatment which they so richly deserved, at the hands of Her Majesty's naval force and Sir J. Brooke. In this Singapore paper I also find an address presented to Sir J. Brooke, signed by all the principal mercantile firms in that settlement, stating that this system of piracy is destructive of and opposed to the progress of peaceful commerce and to the hope of civilisation extending in that region of the world. I have no doubt whatever that this statement is perfectly correct. What, my Lords, has been the result of Sir J. Brooke's operations? I am not sufficiently acquainted with the pronunciation of these eastern names, or the exact geography of the island, to be able to describe the place exactly to your Lordships; but I find that along the whole coast, up to a point somewhere about 500 miles from Labuan, about five years ago there was nothing but insecurity—no unarmed ships could attempt to carry on any trade in that part; but, in consequence of the operations and conduct of Sir J. Brooke, the trade of the whole of that large extent of coast is now completely opened to unarmed ships. Commerce is in consequence taking root; a lucrative trade is springing up, and with it other civilising influences, and a diffusion of knowledge both of European manners and of Christianity by missionaries and others. I want to know whether this is or is not a line of policy which it becomes a great country to pursue? Are we or are we not to use our superior force to provide that the progress of peaceful commerce shall not be interrupted, and that the peaceful fisherman and trader shall not be plundered and slaughtered by a horde of barbarians? This is, therefore, what we have done. Every warning had been given to these tribes. They received a severe lesson about two years since from Captain Keppel. For some time that lesson made an impression upon them, and their piratical attacks were not continued. They, however, forgot the lesson, resumed their previous conduct, and brought upon themselves this merited punishment. Sir J. Brooke applied to the naval commander on the station, who placed a force at his disposal, and proceeded to put an end to these wanton attacks. The noble Earl complained that we had not lost a man in the engagement. Would the noble Earl have thought the case better if Sir J. Brooke, instead of taking care that the force should be skilfully as well as gallantly employed, had lost 50 or 100 of our brave sailors in the conflict? The noble Earl also complained of the conduct of our naval force because the pirates had only bows and arrows. Does he suppose that we should generously have refused the use of our 32-pounders because those who were opposed to us had only bows and arrows? If so, that is a doctrine which I certainly cannot understand. He also referred to the settlement—I cannot call it a colony—and said that we had colonies everywhere already, and wanted no more. I, too, am far from considering that we ought to extend our colonial possessions. Labuan, however, is not a colony; it is an island occupied for the same purposes, and in a manner analogous precisely to that of Singapore. The same complaints as have been made with respect to Borneo were made when the settlement of Singapore was first established, and the same prophecies of evil were made on the subject. Will any man now say that the formation of the settlement at Singapore has not been of immense advantage to British commerce, and has done much towards civilising and improving these distant regions of the earth? It was intended by the settlement of Labuan to provide a secure depôt for our commerce in that part of the world, and also as a station from which could be obtained valuable supplies of coal for our shipping. At the time when Her Majesty's present advisers were appointed to office, I found in the records of the office with which I had the honour to be invested, a considerable amount of correspondence on this subject, and found that the noble Earl who was, in the previous Administration, the Secretary of State for Foreign Affairs, had very strongly expressed his opinion in favour of the policy of occupying that settlement. That opinion was, I believe, dissented from by my immediate predecessor in the Colonial Office; but I must say, that, upon comparing the reasoning of the two, it appeared to me that the arguments of the noble Earl were completely conclusive on the subject, and steps were accordingly taken in pursuance of the recommendations of the noble Earl. But the noble Earl opposite (the Earl of Ellenborough) has stated that this settlement is a complete failure. Now, it so happens that I received only yesterday from Sir J. Brooke a report of the progress of that settlement, which gives the most decisive proofs to the contrary. It is undoubtedly true that the settlement had in the first instance many grave difficulties to surmount. Your Lordships are well aware that a settlement never is made for the first time in any tropical clime upon land which is in a state of nature without disease generally breaking out among the settlers. Borneo was no exception to this rule. There was a large marsh in the immediate vicinity of Labuan, owing to which disease broke out in 1848 to a very large extent. That marsh, however, has been drained, and the jungle, full of deep waterpits, cut down, and last year no case of fever had occurred. I have the report of the surgeon, with an account of every case of sickness which arose in the island, and that appeared in Labuan, and he says that the health of Labuan is now equal to that of any other tropical clime. Another proof of the improved state of health at Labuan was afforded by the fact that, upon the relief of the detachment of the army stationed in that place, there were only two men upon the sick list. The settlement is now, therefore, perfectly healthy. But the noble Earl said it was making no progress. It has only been formed a year and a half; and it must be borne in mind that it was never expected that Englishmen would go out and settle there to any extent, but that Chinese and other merchants would establish themselves at Labuan for purposes of commerce, and in that manner a large tropical commerce would be carried on with the coast of Ceylon and other parts; because in these barbarous countries it is impossible for trade to be safely carried on unless there existed some place which might serve as a depôt where goods could be deposited and kept in safety, for the purpose of their being conveyed by larger vessels, which were, of course, not always be found. The settlement has had to endure all the privations of a famine consequent upon the sickness which broke out in 1848; that famine, however, has been removed, and Sir J. Brooke now informs me that many Chinese, and other traders who frequented the place, had come to the determination of transferring their establishments altogether to Labuan. That was exactly what was anticipated would take place, and that the merchants and traders of those parts would take shelter under the British flag, and make that settlement the centre of their commercial transactions. Sir J. Brooke goes on to say, that already 124 town allotments had been disposed of; that the entire amount of revenue estimated under that head had been fully realised; and that there prevailed throughout the settlement a very general opinion of the ultimate success of the undertaking. This information was contained in a despatch dated so recently as the 2nd of February last. The noble Earl has said that the prosperity of the settlement was represented to depend, in the first instance, upon the working of its coal mines, and that those mines were to be worked by a commercial company, and that no such company had ever yet appeared. It is perfectly true that the operations of the coal company have been far from being so active as I anticipated. There were, however, various causes which would account for this state of things. Among other things the general disturbance of commerce in 1848, and we all know how severely commerce was affected in every part of the world; the number of failures which occurred, not only in England but in India, and the many difficulties to which the mercantile classes were exposed during that period. Those circumstances will, I believe, account mainly for the great want of exertion which had been displayed on the part of the company. But at the same time it must be stated that they have made a beginning; and I find that there have been already furnished to Her Majesty's Navy very nearly 2,000 tons of most excellent coal; and the reports of the engineers of Her Majesty's steamers upon the quality of the coal have been highly favourable. Now what is the difference in price at which coals are contracted to be furnished to Her Majesty's Navy by the new company, as compared with the previous contract prices? The present contract price at the pit's mouth is 11*s.* per ton, but of course there is considerable expense incurred in conveying the coal to the coast in consequence of the deficiency of suitable roads, and the admiral on the station has agreed to pay 17*s.* 6*d.* per ton upon delivery on board the steamers, after a deduction of 2*s.* 6*d.* per ton duty; whereas the previous contract price at Singapore was 33*s.* 6*d.* per ton. So that in the first instance, and at the commencement of the company's operations, a very considerable advantage has accrued to the Government. I am also informed that excellent coal has been discovered close to the harbour, which will enable the company to deliver the coals at a much lower rate by saving the heavy expense of transit to the coast. Now, having made these statements, I cannot help referring, and referring with great regret, to an observation which was made by the noble Earl in the course of his address. He stated that this settlement would never be of any advantage to the country, but that it might be advantageous to Sir J. Brooke, and to the other speculators who had embarked with him in the concern. I confess that I did not expect to hear a charge of that description made in this House. I agree with the noble Earl on the cross benches (the Earl of Ellesmere) in his opinion of Sir J. Brooke, and I admire the character of Sir J. Brooke more than that of almost any man whose character has been before the public. His self-devotion, his entire disinterestedness, his refusal to take any advantage for himself, and the fact that he has been governed only by the highest motives of charity and Christianity, are to me beyond all doubt. I have seen, but a few days since, an answer made by Sir J. Brooke to a letter sent to him, in which a commercial speculator pointed out to him that if he would join him in some enterprise which he wished to establish, and give up his former notions of keeping himself entirely independent from all commercial transactions, that with his influence and ability he might soon become the richest commoner in England. What was the answer of Sir J. Brooke? He said—

> "I see no objection to others who are fairly engaged in commerce engaging in these transactions of a pecuniary nature. But this is not my object. My object is an entirely distinct one; and I will not sacrifice or endanger those higher objects which I have in view by having any concern with speculations which have any reference to pecuniary profit."

This letter was written so long ago as December, 1846, and I think it is a complete answer to the charge brought against him by the noble Earl. I think I am justified in saying, that, so far from Sir J. Brooke having made any profit of what he has done, he has sacrificed very largely his own private fortune in carrying out his great enterprise of humanity. More than that, I grieve to say, that by accounts which I received yesterday, I greatly fear that Sir J. Brooke has certainly endangered his most valuable life. It is difficult for me to describe the grief with which I yesterday read in his report to me that his state of health was such that his medical advisers had declared it absolutely necessary, in consequence, that he should immediately retire from Labuan to Penang, and if that change of climate did not in a short time effect an improvement in his health, that he should return to England. Sir J. Brooke never thoroughly recovered from the effects of the fever which he suffered in Labuan in 1848, and his recent exposure in the boats against the pirates has brought on additional attacks, which have most seriously endangered his health and his life. At the moment when we have this painful information with respect to this most generous, most public-spirited man, who has been risking his life and fortune in furtherance of objects of the highest importance—to hear him in this House classed with others as a mere speculator, who, for his own selfish purposes, and for the promotion of his own advantages, would cause this country to incur any amount of expense, has, I must say, given me the greatest pain.

The Earl of ELLENBOROUGH observed, that the blue book which treated on the condition of Labuan had recently been laid on the table by the noble Earl who spoke last, and he had taken his facts, and formed his opinions, on the statements contained in that blue book. The noble Earl (Earl Grey) himself lived in a coal country, and knew well the difference between the value of different kinds of coal. Some coal at 33*s.* a ton might be cheaper than other coal at 20*s.* a ton. Now, if the noble Earl thought that the coal of Labuan or Borneo was likely to be of use to Her Majesty's steamers, he would recommend him to have its value tested by engineers of competent talent. He (the Earl of Ellenborough) had himself been in the country, and the impression on his mind was, that so far as regarded the purposes of steam navigation, the coal of the East was so unequal in its operation as to be far dearer than the coal of England or Wales. Besides, the coal of the East was more liable to spontaneous combustion. He recollected that during the expedition to China 500 tons of coal were lost at one time at Hong-Kong by spontaneous combustion. He was satisfied that in time of war it would be cheaper for Government to import coal from Wales, for steam navigation, than to buy cheap coal in the East. The noble Earl had told their Lordships that Labuan would succeed as Singapore had succeeded. But what was the reason that Singapore had succeeded? The success of Singapore was owing to its being on the high road of commerce. Was that the case with Labuan? No; Labuan was hundreds of miles out of that high road, and, therefore, Labuan could not succeed, unless, by some unexpected contingency, a new commerce should spring up around it. He had not intended on this occasion to enter into any discussion on the conduct and character of Sir James Brooke. He would say candidly that he thought Sir James Brooke a great, generous, and romantic English gentleman. Sir James evidently thought that, by extending the influence of England and his own in those seas, he would render great services to humanity. On the other hand, he (the Earl of Ellenborough) was of opinion that Sr. James Brooke would fail in his great objects, and that he would bring on a great amount of evil and suffering. Yes, that gentleman was so blindly devoted to his own ideas that the consequence might be much injury to himself and to humanity, worked out on the most conscientious principles. What he (the Earl of Ellenborough) dreaded was this—nay, what he well knew was this—that by bringing the naval force of England to Labuan, where it was not wanted, it would be practically used to work out Sir James Brooke's objects, be they bad or be they good, and in the attempt he was certain that great injury would be done to humanity.

EARL GREY assured the noble Earl opposite that reports of the great value of Labuan coal had been received from engineers of first-rate ability.

After a few words from the Earl of WALDEGRAVE,

Bill read 2ª.

The MARQUESS of LANSDOWNE said, that in order that the House might be furnished with more complete information on the subject, he would postpone the further stages of the Bill until copies of the despatches relating to the destruction of the pirates of Borneo had been laid upon their Lordships' table. On the subject of the destruction of human life in the engagement with the pirates, very erroneous statements had been made. Instead of 1,000 persons having been killed in the engagement, there had been only 500.

The EARL of ELLENBOROUGH said, that 500 persons had been killed in the jungle, in addition to those killed in the engagement. He also wished to know whether the Admiralty approved of the attack?

The EARL of MINTO said, that it formed no portion of the duty of the Board of Admiralty to express any opinion upon the policy of the measure; but the Lords of the Admiralty had highly approved of the courage and bravery of the officers and seamen who were engaged in the attack.

The Bill was then ordered to be committed to a Committee of the whole House on Thursday next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 18, 1850.

MINUTES.] PUBLIC BILLS. — 2° Naval Prize Balance.

Reported. — Larceny Summary Jurisdiction; Tenants at Rack Rent Relief; Parish Constables; Medical Charities (Ireland).

3° Indemnity.

THE NATIONAL LAND COMPANY.

SIR B. HALL said, seeing the hon. and learned Member for Nottingham in his place, he begged to put a question to him in reference to a Bill which before Easter he stated he would introduce as early as possible after the recess, namely, a Bill for the purpose of winding up the affairs of the National Land Company. He begged to ask him whether he now intended to introduce that Bill, and if so, whether in the shape of a public or of a private Bill?

MR. F. O'CONNOR said, that the hon. Member was quite right in stating that he (Mr. O'Connor) had declared his intention of introducing a Bill upon the subject alluded to. The truth was, he had not been able to be in the House until the night before last, having been ill since some time before Easter. He could tell the hon. Member, however, that he had made an appointment, which that hon. Gentleman was at liberty to attend if he chose—for a consultation to-morrow morning with Mr. Walmsley, of Parliament-street, upon the best mode of accomplishing the object. But he (Mr. O'Connor) had also a question to put to the hon. Baronet—whether it was true that the hon. Baronet had once been the trustee of funds belonging to some poor persons in his neighbourhood?

MR. SPEAKER called the hon. and learned Member to order, whereupon Mr. O'Connor resumed his seat.

SIR B. HALL begged to say one word on what had fallen from the hon. and learned Member for Nottingham.

MR. SPEAKER suggested that the hon. Member should take some other opportunity. The first Order of the Day related to the Larceny Summary Jurisdiction Bill, and the question before the House was, that the Speaker do now leave the chair. The hon. Member must, therefore, speak to that point.

SIR B. HALL observed, that he should move the adjournment of the debate. But there would be an opportunity to-morrow of adverting to the matter on which he wished to address the House, when the Secretary for the Treasury moved the adjournment of the House; and he challenged the hon. and learned Member for Nottingham to be then in his place.

Subject dropped.

LARCENY SUMMARY JURISDICTION BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. TORRENS M'CULLAGH, moved that the House resolve itself into the said Committee upon that day six months, and begged the attention of the House whilst he stated the reasons which had induced him to give notice of the Amendment.

He did not wish to forestall any discussion, which might more properly be taken upon particular details of the measure. His objections were to the whole substance of the Bill. In point of principle, he thought it would be admitted that no subject could be more important than that which related to the administration of justice. In point of practice it would be enough for him to call the attention of the House to a return which he had obtained with much care of the total number of committals for trial at the assizes and quarter-sessions in the year ending December, 1849: the return specified the number of committals and the number of prisoners exceeding 16 years of age, together with the number of offences where property was stolen which did not exceed the value of 1*s.* The total committals in 1849, by magistrates, were 2,024 in 52 of the largest towns in England. The total number of crimes committed by persons under 16 years was 251, being about one-eighth of the whole number. The number of offences committed, which did not exceed 1*s.*, were about one-seventh of the whole. The total number of bills ignored was 26. These offences, it was conceded, were committed by persons of the poorer classes of the community, and what he objected to was, that you were proposing to change the statute, where the poor were concerned, while in every instance where the guilt or innocence of the more opulent classes of society was questioned, you left unchanged the ancient principles of the constitution. He thought it would be admitted on all hands, as a principle of the criminal law of this country, that there should be a competent judge, and a competent, impartial, and local jury. It was proposed by this Bill, as far as offences were concerned, to take away from those who were least able to defend themselves by reason of their age or poverty, the protection of a competent judge. It was proposed to substitute nothing which could be compared with what was taken away, and as such it was proposed to establish a principle dangerous to the best interests of society. The object put forward ostensibly was, to save expense to the ratepayers in each locality; and although it appeared a most legitimate object where the ratepayers were concerned, it did appear to be one open to the greatest objection when the pockets of the upper classes were to be saved at the expense of the legal rights and privileges of the lower. He did not know whether it might be superfluous to mention this fact: until an Act of George II. no Judge of assize was allowed to try criminals in his own county. By a statute of Edward III. it was enacted, that where criminals were tried at quarter-sessions, one at least of the magistrates of the quorum should be "learned in the law," in order to act as a check upon the unlearned part of the bench; but this Bill took away altogether the quorum of the quarter-sessions, containing often persons "learned in the law," but substituted any two magistrates of the locality, learned or unlearned; and country Gentlemen might be reminded, without offence, that it was no part of their good qualities to be learned in the criminal statutes. He had obtained the opinions of practical men as to the effect of the Bill if it came into operation. The chairman of the county of Limerick, who had filled that situation for thirteen years, said—

> "I am most decidedly opposed to the Bill as it is proposed. I should deeply regret, having to deal myself with criminal cases, to be deprived of the local knowledge of the jury, for, during the experience of many years, I have frequently seen the course of trials changed by the good sense of jurors, upon points material to the issue which had escaped the attention, or were misunderstood by the court or by counsel."

A learned Judge, in Ireland, whose name he forebore to mention, said—

> "I think the Bill unnecessary and mischievous, both as regards England and Ireland. It is not what it professes to be—for the relief of prisoners, by accelerating their trials, or for their amendment, by means of proper correction."

One of the ablest judges of the county courts in England (Mr. Temple) had in terms still stronger stated to him (Mr. M'Cullagh) his strong objections to the proposed enactment. And he would say to the right hon. Gentleman the Secretary of State for the Home Department, who supported this Bill—refer it to the Judges of the supreme courts of criminal jurisdiction, and ask for their advice ere you proceed further. It was no part of his duty to enter into the subject of the unfitness of magistrates to judge of innocence or guilt; but he would remind the House that when they placed the liberty and character of accused persons at the disposal of two magistrates, they were trusting it to the will, the ignorance, the partiality, or the caprice of any two gentlemen who might be upon the bench. If it should be necessary to accelerate trials, the State ought to provide the necessary tribunals. It was out of the question that you gave an option whether the accused would be tried by these two gentlemen or by a jury. This option was not a reality, it was a sham. He would give an instance of what the option was. He heard only this day from the clerk of the peace of Portsmouth, that out of sixty-six cases which had been tried and adjudicated on under the Summary Jurisdiction Act since 1847, in no case was the prisoner told he had the option which it was proposed to insert in this Bill. It was stated, and with considerable force, that in the present state of this country taxation was of such pressure that there should be no waste of the money of the public in making a criminal amenable to justice. He did not suppose that any one in the House could dispute that proposition, or urge one word against its being duly considered; but there was a warning familiar to men, it was the danger of asking for public remedies for mere inconveniences, where departure from custom and principle was implied by the innovation. It was said that this was at most but an experiment. His answer was, experimentalise on yourselves in the first instance. If it were true that there was distrust and disaffection likely to be engendered by such a change in the criminal code, would it not be wiser that you should abolish trial by jury in cases where the high-born and luxurious were concerned, before you trifle with the patience of the ignorant? The opinion which he had received from a barrister whose knowledge as a practitioner at the bar, entitled him to speak with more confidence of the provisions of the Act, was worthy of attention. He said, "I am of opinion that the power of summary conviction ought never to be entrusted to judges in cases involving the infamy of the accused." He therefore did not think they would be acting rightly if they allowed this measure to proceed further without taking the sense of the House upon it.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

SIR G. STRICKLAND, in seconding the Amendment, deeply lamented to see the attempts which were continually made to do away with that which from his earliest years he had been taught to believe was the dearest right of Englishmen—he meant trial by jury. The great objection which he entertained to the present Bill was that it gave to magistrates at petty sessions unlimited power to torture a person under sixteen years by flogging, without the intervention of a jury. It would be, in his opinion, extremely injudicious to give this unconstitutional power at a time when the public indignation had almost put an end to the practice of flogging in the Army. He believed that the old Mosaic law was humane—it provided that the stripes given should not exceed a certain number; but in this case the number was to be left unlimited, and he insisted that this part of the Bill was most unconstitutional. The advantages of trial by jury was, that it forced the judge who presided over the court so to expound the law that it should be understood by the most ordinary minds. But one of his main objections to this Bill was, that it placed authority in the hands of parties who were incompetent to administer the law. The magistracy of this country were perfectly incapable of administering the law in the cases contemplated by this Bill. He himself had had for twenty-five years the management of the legal business at the petty sessions of the East and West Ridings of Yorkshire, and the result of that experience induced him to believe that the county magistracy were totally incompetent to exercise the power which this Bill would impose upon them. By the 10 & 11 Victoria they had been giving summary jurisdiction to one magistrate at sessions, or to two magistrates at petty sessions, to try and punish and convict, without the intervention of a jury, persons under fourteen years of age. He believed that ever since the time of Sir Matthew Hale fourteen years had been the commencement of the time at which any one was answerable for his acts; but now they were going one step further, and all persons under sixteen years of age were, by a sudden change of the law, called juveniles. To show that this was attracting the attention of all persons, he would read an extract from a well-conducted provincial journal, which stated—

> "Let it be considered that this power is unconstitutionally given, at the very time when public opinion—we had almost said public indignation—had almost entirely put an end to the practice of flogging in the Army, where the necessities of discipline might have been some excuse. We believe that the old Mosaic law was humane, and that the number of stripes were defined by legislation. No such thing here. The flogging is un-

limited; and we think it might be proved without much difficulty that it gives to these two magistrates the power of life and death."

There was another most unconstitutional provision in this Bill; the learned Judges of the land had never yet been trusted with any such power. The other objection he had to this Bill was the utter incompetency of the tribunal to be entrusted with such a fearful power. The hon. Baronet the Member for Droitwich very justly boasted of having been for many years chairman of quarter-sessions; and he said, that having been for many years chairman of quarter-sessions, he had acquired such a knowledge of the law of evidence that he was fully capable of trying a criminal. He objected to this Bill also, because it gave to the magistrate who may convict the criminal the power of nominating the constable who should inflict the punishment to be awarded to the criminal. He sincerely trusted that the Bill would be rejected by the House; and he hoped to live to see the day when the Juvenile Offenders Bill would be repealed. If they passed this Bill, they would entrust into the hands of two magistrates unconstitutional powers which were never given to the Judges of the land. He would let the House know that the real judge in the petty sessions courts was the clerks. That clerk had his own enmities and affections towards individuals in the neighbourhood, and if any of them at any time should appear as criminals before the magistrates, he, no doubt, would use his influence as his disposition directed him. It was said that this Bill would save expense, but, in his mind, it would add to it. There would be no economy in doing away with trial by jury, which was the birthright of Englishmen. He thought that if the Bill were passed, they would lose still more of that popularity which they had already lost to some extent.

Sir J. PAKINGTON said, that he thought that the time for debating the principle of the Bill was on the second reading. On the second reading there was a full debate and no division; and though the hon. and learned Member for Dundalk had given notice that on that reading he would move an Amendment, yet he sat in his place and moved no Amendment. The Bill was then fixed for Committee; and when it came to that stage an Amendment was moved that the Bill should be divided into two parts. And now, for the third time, the hon. and learned Member for Dundalk moved an Amendment that the House should go into Committee on that day six months. He was now in the hands of the House. If they desired it, he was quite prepared to debate the principle for the third time, and to answer all that had been said against it; but, without disrespect to the hon. Gentleman opposite, he must protest against the practice, and should persist in calling on the House to allow the Bill to go into Committee, when he should be ready to defend every portion of it.

Mr. P. H. HOWARD should give the Bill his strenuous opposition, because he conceived that the powers which it conferred were not in accordance with the spirit of the constitution. As the Bill at present stood, the degrading punishment of flogging might be inflicted on females as well as males. ["No, no!"] Might it not? Then he was glad to find that the Bill was not so odious as he had thought it. It was still sufficiently bad, however, to justify him in offering it every opposition, and he trusted the House would reject it by a triumphant majority, for, without sharing in any feeling of distrust towards his fellow magistrates, he was unwilling to confide to mortal man such an extent of arbitrary power as this Bill proposed.

Mr. AGLIONBY had great confidence both in the justice and the mercy of the magistrates, and if he were a criminal he would infinitely prefer being tried by them than to have the case sent before a jury. He cordially supported the Bill out of mercy towards the prisoners, whether innocent or guilty.

Mr. HENLEY wished to know whether the hon. Baronet the Member for Droitwich, in pursuance of the power given to the Committee, intended to divide the Bill into two parts or not, because upon the answer to that question would depend his vote?

Sir G. GREY wished to say, before the hon. Baronet answered the question, that after the expression of the opinion of the House on a former occasion, it would be the wisest course for the hon. Baronet to consent at once to divide the Bill into two parts. He begged it to be understood that, in going into Committee, he did so for the purpose of supporting that part of the Bill which extended summary jurisdiction to the cases of persons from fourteen to sixteen years of age, and that he expressed no opinion upon any other part of the Bill.

Sir J. PAKINGTON said, it was quite

true that a majority of the House on a former occasion were in favour of the hon. and learned Recorder's instructions; but, as it was not usual to move an Amendment of such importance without notice, he believed he had a right to consider that division as hardly a fair expression of the opinion of the House. It was therefore his intention, if it was the pleasure of the House to go into Committee, to oppose the division of the Bill into two parts.

MR. LAW doubted whether it was competent for the hon. Baronet to take the sense of the Committee whether or not they should obey the instructions of the House. But, supposing it was, he begged to remind the hon. Baronet, that, although he did not give notice of his Motion in the precise form he had moved it, he had given notice of one substantially the same, and had only altered it in order to meet a technical objection. Since the hon. Baronet was determined to oppose the division of the Bill into two parts, he (Mr. Law) must take a course which he should not otherwise have felt called upon to pursue, and vote with the hon. Member for Dundalk to negative the Bill altogether.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 133; Noes 76: Majority 57.

Question put, and agreed to.

The House then went into Committee.

Clause 1.

The CHAIRMAN announced that, according to an instruction of the House, the Committee had power to divide the Bill into two parts.

MR. LAW, in accordance with that instruction, begged to move that the Committee leave out all the words in the Bill which referred to adults.

Amendment proposed, page 2, line 28, to leave out the words "exceed the age of sixteen years, and also to all cases in which any person whose age exceeds the age of sixteen years."

SIR J. PAKINGTON insisted upon the Bill being retained in its original shape.

SIR G. GREY said, it was quite true that the terms of the instructions agreed to by the House on a former occasion did not bind the Committee to divide the Bill, but certainly, after the clear and unequivocal expression of the opinion of the House on that point, he did not think it was expedient to reopen the question.

SIR J. PAKINGTON considered himself justified in the course he was pursuing in consequence of the want of notice on the previous occasion. In his opinion the second part of the Bill was the most important of the two. Hon. Members who were so opposed to extending summary jurisdiction to adults in petty cases, must have forgotten the statutes which were known as Sir Robert Peel's Acts, by which a large mass of offences were brought under summary jurisdiction, and had given rise to no complaint of want of trial by jury. He maintained that there was a general feeling in favour of that portion of the measure, and that at present a large number of petty cases escaped altogether, because persons would not be at the expense and trouble of going twenty miles to a county town to prosecute before a jury. He denied the charge that it did away with trial by jury. It surely was no boon to a man to be kept in prison some forty or sixty days, in order to be tried by a jury for the offence of stealing an article which was of less value than the smallest current coin of the realm, and for which the jury refused to convict. Let them trust to the discretion of the magistracy of England in the exercise of summary jurisdiction, and there would be no reason to apprehend injustice. If the Bill were a serious encroachment upon trial by jury, he would not propose it, but it was no such thing.

MR. ROBERT PALMER was of opinion that it would have been much better if the Bill had originally been divided into two parts, because there was no necessary connection between them; but he should vote with the hon. Member for Droitwich against the division of the Bill into two, because he saw that the desire of those who advocated the division was to get rid of the latter part altogether.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 50; Noes 102: Majority 52.

SIR G. GREY observed, that the alteration which had just been effected would not render it necessary to begin *de novo.* It was competent to the Committee to proceed with the remaining portion of the Bill.

SIR J. PAKINGTON understood, then, that he was to proceed with the first part of the Bill.

MR. HUME suggested that as it had now been decided to divide the Bill, the better course would be for the Chairman to do so at once, and then report progress, in order that the two Bills might be printed in their separate shape before they were called upon to consider them further.

Sir J. PAKINGTON thought as there appeared to be a general feeling in favour of the first part of the Bill, they might go on with that now, leaving the latter part to be dealt with as a separate measure hereafter.

Mr. ROEBUCK said, they ought to understand what the Bill was. The whole of the Bill now before them was to extend the summary jurisdiction of magistrates in the case of young persons from fourteen years, as the law now stood, to sixteen years of age; and the question which the Committee had to decide was, whether it was advisable to give justices at petty sessions the power of flogging and imprisoning children of sixteen years of age summarily. The whole Bill was confined to giving the magistrates the opportunity of enjoying this pleasure. Every step of the proceeding went towards depriving the people of this country of trial by jury. By whom was this bill brought in? By a Chairman of Quarter Sessions, one of a class for whom, abstractedly speaking—as Martinus Scriblerus towards the Lord Mayor riding on a great horse—he had great respect, but nothing beyond, and whom he was not disposed to indulge with any more power over the poor of this country. They first asked for, and got, jurisdiction up to fourteen years. They now asked for a further extension to sixteen years; and, in fact, by a sly artifice, which he hoped would be prevented by the course taken by the hon. and learned Gentleman the Recorder of London, they sought to extend it to persons of any age where the property stolen was under one shilling. This would, no doubt, be a very easy mode of dealing with poachers who stole pheasants' eggs, and such offenders. Let the Committee understand in what way justice was administered to the poor of this country. The offender was brought into a back parlour in the squire's house by the constable of the parish. The squire had another squire to aid him, neither the one nor the other knowing the least of the law, but both having strong prejudices in the case. There was no bar; and, though a member of the profession, he would not hesitate to say that the presence of the bar on such occasions was a great safeguard for the freedom of the subject. There was not even a reporter of a newspaper present; and even if the county newspaper had a representative at the proceedings, it was not very likely that any account detrimental to the character of a patron would be published. The fact was, a trial under such circumstances was a denial of justice to the poor man. It was a mockery and a shame, and he hoped the people of this country would stand up against this attack on the palladium of their liberty, as trial by jury had been called. He wished to see the honest man, the attorney, the barrister, and, above all, the newspaper reporter, watching these proceedings. He regarded the administering of a law such as this, in the back parlour of a country gentleman, as a base perversion of justice; and he should therefore feel bound to offer the Bill every opposition in his power.

Mr. AGLIONBY was not afraid of hard words, and would not suffer sarcasm to turn him from what he believed to be his duty. He was of the same profession with the hon. and learned Gentleman; he had been in the profession longer, and he had practised, he believed, more than the hon. and learned Member in courts where criminal justice was administered, and he begged to say most distinctly that he wholly differed from the hon. and learned Gentleman in his view of the subject. He was not, and never had been, a chairman of quarter-sessions; but he should none the less protest against ill motives being attributed to those functionaries, and against the assumption that the hon. Baronet, for example, was, as a chairman of quarter-sessions, less alive to the rights of the poor than the hon. and learned Gentleman. He had never even acted in petty sessions, and was therefore free from the charge of class predilections; but he would never admit that magistrates in petty sessions were guilty of the injustice which the hon. and learned Member imputed to them; and he strongly protested against the proposition of the hon. and learned Gentleman, that they took any pleasure in flogging people; he could not conceive, indeed, what pleasure there could be enjoyed by any man, on the bench or off it, in flogging people, and his conviction was that flogging, when ordered, was only ordered in fulfilment of what was always felt to be, on the contrary, a most painful duty. The hon. and learned Gentleman had complained that petty sessions were held in back rooms. He (Mr. Aglionby) believed that they were not now held, as they had been in the time of Fielding and some of our older novelists, in the back parlours of magistrates', or in the back rooms of public-houses. If they were held in such places, he strongly protested against the system, and he would give his support to any Bill enacting that petty sessions should be held in some public place, where the bar and the press could attend, if they chose, to watch the proceedings. He fully agreed with the hon. and learned Member for Sheffield that the only safeguard for the poor, and for the rich as well, was publicity in all their proceedings.

Mr. ROEBUCK begged to assure the hon. and learned Member for Cockermouth that he had not had the slightest desire to point to him in the observations he had made. Indeed, he knew nothing about that hon. and learned Gentleman, and was not aware that he had any peculiar interest in this question. He (Mr. Roebuck) had simply dealt with the matter as one in which the people of England were interested. He would ask why they did not give the county courts jurisdiction with regard to the class of offences to which this Bill referred? He would ten thousand times rather that such a power should be given to the judges of the county courts, than that it should be exercised by magistrates in petty sessions. Let them give the power of deciding these questions to the judges of those courts, who were bred to the profession, instead of thrusting the poor into dark holes, The hon. and learned Member for Cockermouth might talk about hard words; but it was well known that the poor were robbed, in the cases to which he was referring, of the advantages of publicity, and were placed in the hands of men among whom, although many might be learned, enlightened, instructed, and benevolent, some were ignorant and prejudiced. He called upon the House to insist upon publicity, and to take the class of cases to which the Bill related out of the jurisdiction of individuals who might be influenced by local prejudices.

Mr. PACKE was satisfied that it was quite unnecessary to defend the conduct of the magistrates of this country who sat in petty sessions against the animadversions of the hon. and learned Member for Sheffield. He wished, however, to refer to one point to which that hon. and learned Gentleman had alluded — namely, the want of publicity with regard to proceedings at petty sessions. Every Gentleman in the habit of attending petty sessions knew that those courts were as much open to the public as the quarter-sessions or the assizes. In the county in which he resided (Leicestershire), four weekly newspapers were published, and the reporters for these journals regularly attended the petty sessions at Leicester and Longborough, and reported the proceedings.

Sir J. PAKINGTON said, the hon. and learned Member for Sheffield was so accustomed to indulge his sarcasm, and seemed to think it so necessary that he should give point to his speeches by attacking somebody, and the more sneeringly and ill-natured the better, that he felt no surprise that that hon. and learned Gentleman had selected him to-night as the object of his sneers. He was very happy to find, however, that the only ground on which the hon. and learned Gentleman sneered at him was because he happened to be chairman of the quarter-sessions. He would tell that hon. and learned Gentleman that he felt the fact of his having enjoyed the confidence of his brother magistrates for a period of sixteen years was no matter of shame to him, and he was quite willing to submit to any sneer in which the hon. and learned Member chose to indulge on that subject. When the hon. and learned Gentleman indulged in sneers and sarcasms at his expense, he thought, however, that he had some right to expect that the hon. and learned Gentleman should be accurate in his facts; and when the hon. and learned Gentleman, alluding to the measure of 1847, to which he (Sir J. Pakington) was a party, complained that persons of wealth dealt with the poor in their back parlours, the hon. and learned Member only showed his own utter ignorance. He thought it would be better for the character and credit of the hon. and learned Gentleman if he contrived to be somewhat better informed on the subjects upon which he spoke; for, if the hon. and learned Member referred to the Act in question, he would find that it gave certain powers to justices of the peace of any county, riding, division, &c., in petty sessions assembled, at the usual place, and in open court.

Mr. ROEBUCK asked the House to deal with this subject as men of common sense, and to consider how justice was likely to be administered by two magistrates meeting at the accustomed place, in a country district, far away from anything like newspapers, lawyers, or attorneys. The hon. Baronet had talked about "open courts;" but he (Mr. Roebuck) knew something of these matters, for he lived in the country, and knew what the country was, as well as the hon. Gentleman. Indeed, his whole life was passed among gentlemen exactly like the hon. Baronet. He (Mr. Roebuck) understood how magistrates met together, for instance, to stop a footpath. The hon. Member for South Leicestershire had said that in the crowded district in which he lived, the petty sessions were held in open court. Yes, if a petty session was held in a town it then became an open court; but what he (Mr. Roebuck) complained of was, that in the country they did not possess the advantage of this publicity. He did not wish to throw any imputation upon the gentlemen of England, but he wished to stop this Bill; and if the powers it proposed to confer were given to anybody, he hoped they would be devolved upon judges in whose courts publicity was not a mere name but a reality.

Sir G. GREY hoped that this measure would be discussed without indulging in these personalities. Some hon. Members seemed to think that the Bill involved a new proposal to give summary jurisdiction to magistrates in petty sessions; but he begged to remind the House that Acts were passed some years ago, at the instance of the right hon. Member for Tamworth, which gave to magistrates in petty sessions the power of summary adjudication in cases of malicious injury to property. There was also an Act now in force—the Juvenile Offenders Act—which had been considered by a Select Committee of that House, and which gave the power of summary adjudication to magistrates in petty sessions, where the offenders were under the age of 14 years. That Act was passed with the general assent of that House and of the House of Lords, and received the marked and distinct approval of Lord Denman, the late Lord Chief Justice of the Queen's Bench, who, indeed, proposed an Amendment, which he eventually withdrew, in order to bring within its operation persons of adult age. The real question they had now to consider was the proper definition of juvenile offenders. The hon. and learned Member for Cambridge University had argued that persons under the age of 14 came within the recognised legal definition of youth. He (Sir G. Grey) presumed that the hon. and learned Gentleman had founded his argument on the fact, that, in law, children above 14 years of age were considered *capax doli*. The ordinary practice was, however, to regard as juvenile offenders all persons under the age of 16. Up to the age of 16, for instance, prisoners were classed by the prison inspectors "juvenile offenders," as distinguished from adults. There was also some analogy in the regulations of the poor-law, which held that relief afforded to children under the age of 16 was relief to the parents. He thought, therefore, that the proposition now made was in accordance with the ordinary practice with regard to the distinction between juveniles and adults. A great deal had been said about intrusting powers of this kind to magistrates in petty sessions. He could only say, that the measure applicable to juvenile offenders under the age of 14 had now been in operation for two years and a half, and he was not aware that a single complaint had been addressed to him as to any abuse of the powers conferred under that Act. He believed it was a merciful administration of the law to preserve juvenile offenders up to 16 from contamination with hardened criminals before trial. He was, therefore, prepared to support this Bill as far as it related to the extension from 14 to 16 years of age, for he believed that might be very safely and beneficially done.

Sir J. PAKINGTON regretted as much as the right hon. Baronet the personality which had been introduced into this discussion, but he thought he could not be accused of commencing that personality. The hon. and learned Member for Sheffield, however, if he came down and attacked every one who was a magistrate, must not be surprised if he got an answer. That hon. and learned Gentleman had made another blunder in supposing that magistrates in petty sessions had the power to stop footpaths, for when their decision was appealed against, such questions were referred to the determination of a jury. He considered that the present Bill, in extending what he did not hesitate to call the benefits of the Juvenile Offenders Act to persons of 16 years of age, would effect a very advantageous change in the existing law.

Mr. LAW said, the legal maxim applicable to children charged with great crimes was *malitia supplet ætatem*, so that their responsibility to the law depended upon circumstances, although they were exempted from the responsibility of contracts into which they entered under the age of 14, and which might prejudice them in after life; but the age of 14 was regarded as the period when juvenile life ceased, and a more adult character commenced. He might remind the House, however, that whether they should whip a boy of 14 or a youth of 16 were very different questions.

MR. HUME was not disposed to throw any blame upon those who were engaged in carrying on the institutions of the country, because he thought persons who endeavoured to discharge such duties to the best of their ability deserved credit; but he believed that many offences were left to the adjudication of magistrates in petty sessions which might cause some persons to doubt whether justice was impartially administered. He thought, and he had made the suggestion some years ago, that they ought to have to every board of petty sessions a paid chairman who had been bred to the law. His suggestion had been objected to on the ground of expense; but he thought such expense would be true economy, if the better administration of justice was secured. Some complaints had been made of the places where petty sessions were held. An hon. Friend of his some time ago proposed the insertion of a clause in a Bill before the House, requiring that all petty sessions should be held in a public place, on particular days, and that they should be open to the public; but that clause was rejected. There was a return obtained with regard to petty sessions, and probably it would be found, upon going through it, that one-half of them were held in public-houses; in Cambridgeshire the number was 9 out of 12, and in Buckinghamshire about the same. In Worcestershire, it was stated, that there were 15 places where the petty sessions were held, and in four instances they were public-houses, in three they were the clerk's house, and in two the union workhouse. This was not the way to secure either publicity or respect for the administration of the law. As to what the right hon. Gentleman the Home Secretary had said, was it likely that a boy of fourteen would make a complaint to the Secretary of State? What said the prison inspectors? Was not the number of juvenile offenders increasing? He (Mr. Hume) should object to the extension of this summary jurisdiction from 14 to 16. If innocent persons were liable to be imprisoned three or four months, the courts should sit more frequently. The time was arrived, too, when the Government ought to come forward and commit the administration of justice to men learned in the law.

MR. E. B. DENISON objected to extend the jurisdiction of petty sessions to offences committed by persons of the age of 16. There could be no doubt that the class of offenders between the age of 14 and 16 formed a very considerable portion of the rising rogues of the kingdom, and it was on that account that he doubted the propriety of allowing them to be tried in petty sessions. The hon. Baronet who had brought forward the measure observed that it had the almost unanimous consent of the magistrates of the kingdom. Now he (Mr. Denison) belonged to the West Riding of Yorkshire, which contained very nearly the largest number of magistrates of any part of the kingdom, and he had thought it his duty the other day, as chairman of the quarter-sessions, simply to bring this Bill under the notice of the magistrates, without making a single comment, and gave them an opportunity of expressing their opinions upon it, but he had heard nothing of any manifestation in its favour on their part; and he had reason to believe that it would not be generally resorted to in his district. Even now it appeared that out of 120,000 or 130,000 prisoners tried in the course of the year, 85,000 were already dealt with by summary jurisdiction. But, in addition to that, he had a right to argue, that out of 10,000 more tried at the quarter-sessions, and not included in the 85,000, the greater part would go to swell the number subjected to summary jurisdiction if this Bill should pass. He asked whether it was wise so to extend the summary jurisdiction exercised by magistrates, however well he might admit them to administer the law? It was undoubtedly true that quarter-sessions were frequently held in public-houses, in back parlours, and other objectionable places. He also objected to extend the summary jurisdiction, because the former Act had only been in operation three years, which was not long enough to enable them to form a satisfactory estimate as to its advantages.

MR. LAW would move that the Chairman now leave the chair, with the view of raising the question as to the age of 16 years.

Motion made, and Question put, "That the Chairman do now leave the Chair."

MR. M. MILNES thought, that if hon. Members had paid due attention to the state of juvenile crime in this country, they would see that the mode of dealing with young persons between the ages of 14 and 16 involved a question of the highest importance. The French law treated them as juvenile criminals up to the age of 16, and made special provisions for their punishment. Another consideration which ought not to be lost sight of was, the danger of exposing young persons to the contamination of a prison at an age when their imaginations were most susceptible of impressions, and when the character, in fact, was formed for good or evil.

Sir J. PAKINGTON said, the hon. Member for the West Riding had adverted to the absence of any manifestation in favour of the Bill on the part of the magistrates of the West Riding of Yorkshire; but, at all events, it could not be said that they had taken any active part against it, and he himself (Sir J. Pakington) had had the honour of presenting a petition in its favour from the magistrates of the East Riding. With respect to holding petty sessions in public-houses, no one more heartily disapproved of the practice than himself; but the same objection did not apply to holding them in clerks' dwelling-houses, many of which contained convenient and capacious courts fitted up for the purpose; but, as far as he knew, whether the sessions were held in public-houses or elsewhere, their proceedings were always regularly published in the local newspaper. The hon. Member for the West Riding had talked of sessions held in back parlours; he should be glad to know to what magistrate he alluded as having held petty sessions in his back parlour?

Mr. E. B. DENISON had referred to the back parlours of public-houses only. With regard to the West Riding, he thought the magistrates of that district had shown something more than indifference, seeing that the hon. Baronet had sent round circulars to all magistrates urging them to support his measure.

Mr. ROEBUCK wished to divest the question of all personal considerations, and begged the hon. Baronet's pardon if he had given him offence. The hon. Member for Pontefract, addressing himself to their sentimentalities, cited the instance of France, and told them that the age between fourteen and sixteen began and ended by distinguishing the boy from the man. What, then, did this Bill do? It enabled a magistrate to inflict punishment upon him when he had ceased to be a boy—a disgraceful and degrading punishment, which must cast a stigma on him for the rest of his life. Was the House prepared to give to two magistrates, sitting, as the hon. Member for the West Riding of Yorkshire—himself the chairman of a quarter-sessions—confessed, in the back parlours of public-houses, without the aid of a jury, without any one of the bulwarks which the institutions of this country had thrown around us all, a power to degrade a young man for life by exposing him in the market-place and ordering him to be whipped? Whip a boy, and there was nothing in it. If you struck your own child, which he would not advise any man to do—and if he had a child, and struck him, he would not be a man—but supposing a child to be struck, no imputation would be cast upon the boy, whereas a grave imputation would be cast upon a man if personal chastisement were inflicted upon him. He hoped, for the sake of the due administration of justice, that the House would support the proposition of the hon. and learned Recorder for the city of London, who had dealt with more criminals than any other Member of that House, and who had told them that this was a most mischievous Bill.

Mr. J. H. VIVIAN called attention to the heavy expense which counties had to meet at present for removing criminals from sessions to gaols, and said that some alteration of the law in this respect was needed.

Viscount BERNARD said, that the existing law in Ireland had been instrumental in suppressing much of juvenile delinquency.

Colonel THOMPSON said, the knotty point before the House appeared to be—at what age posterity should be whipped. Now, he was not for whipping them at all; and upon that principle he would endeavour to regulate his vote.

The Committee divided:—Ayes 61; Noes 70: Majority 9.

Same Clause: Amendment proposed, line 28, after the word "mentioned," to insert the words "exceed the age of sixteen years."

Mr. ROEBUCK objected to give the magistrates jurisdiction in the case of offenders sixteen years of age, and said he should take the sense of the Committee upon the point.

Mr. AGLIONBY would be willing to accede to the Amendment, or to the withdrawal of the Bill, if he saw any evidence that Government would take the matter up, or that the jurisdiction of the county courts' judges would be extended to juvenile offenders; but, in the absence of any proof of the sort, he would support the measure.

Mr. TORRENS M'CULLAGH could not agree in the praises which they had heard bestowed on the Juvenile Offenders Act in this country or in Ireland. He believed the country would not be satisfied with any increase to the powers at present possessed by magistrates at petty sessions. The Juvenile Offenders Act had not proved a beneficial change in the law. He spoke from experience of the subject, having studied the working of the Act in the metropolis and elsewhere, and was convinced of the evils which had been caused by gaol contamination. He would just quote two instances of recent occurrence: one was a case of a boy not 12 years of age, who had been sentenced five times in a year and a half, and was now in prison; the other the case of a still younger boy, who had been punished twelve times in a proportionately short space of time. It was with surprise he heard hon. Members say that general satisfaction was evinced at this Bill. The opinion of Judges of the higher and inferior courts could be quoted against that assertion, and he had read many letters from all parts of the country which agreed in condemning its provisions. They could not, let them do what they might, they could not disguise from the people out of doors the fact that they were making one law for the poor and another for the rich; that they were exposing the poor to punishment without judge, jury, bar, or publicity.

Mr. DRUMMOND said, he should vote for the Amendment proposed by the hon. and learned Member for Bath, though he was not influenced in the least by the arguments which he had heard on the subject, for those arguments had no foundation in fact. He was opposed to sending prisoners great distances to be tried, not so much on account of the prisoners themselves as on account of the witnesses, upon whom the demoralising effect of even a short stay in a large town was often strikingly apparent. Grand juries and magistrates had often remonstrated against the evil consequences of the present practice. With respect to the exercise of power by the magistrates, he could undertake to say that there was no jealousy felt towards them; quite the contrary was the fact; at the same time he did by no means think that their power should be extended in the manner now proposed by the Bill.

Mr. P. HOWARD observed, that the civil law fixed the age of 14 as that at which a distinction was to be taken between the juvenile and the adult, and he thought that on this point the House ought to regard with great respect the opinion of those the most learned in the law, who had always held that that was the age at which persons accused ought not to be placed amongst the juvenile delinquents. With respect to giving the judges of the county courts the power of dealing with such cases, he should have no objection to such an arrangement, provided those judges were to summon juries to their aid; but, unless they were to possess the constitutional support of juries, he should decidedly object to their being invested with any such power.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 84; Noes 78: Majority 6.

Sir G. STRICKLAND objected to that portion in which the preceding Acts were recited in order to give them effect. He said that the extension of this summary jurisdiction, and the giving the power to magistrates to inflict the punishment of whipping upon youths of 16, was unconstitutional, arbitrary, and cruel. He thought that in these days they ought to have recourse to moral instead of brute violence, and he should, therefore, move a proviso at the end of the clause to prohibit the whipping of youths above 14.

At the end of the clause, proposed to add the following proviso:—

> "Provided alway, that nothing herein contained shall authorise or empower any Justice or Justices to order the punishment of whipping to be inflicted upon any offender whose age shall exceed the age of 14 years."

Sir J. PAKINGTON said, that the power of punishing youths under 14 years of age by whipping was already the law of the land, and it had been enacted with the humane and benevolent intention of enabling magistrates to save young offenders from the contamination of the gaol, by ordering them to be whipped and discharged. It had operated beneficially hitherto, and it might be found equally beneficial if it were extended to cases in which the offenders were of the age of 16. Why, whipping was a punishment that their own sons underwent in the public schools of this country.

Mr. ROEBUCK hoped the House would not permit its extension to persons of the age of sixteen, because, as he had said before, the child was a child up to fourteen, but he was a man at sixteen. They all knew what human nature was, and what its feelings were in that respect. The punishment to the boy was the mere bodily pain which he suffered. The punishment of flogging to the man was as nothing in respect to the bodily pain. His suffering arose from the sense of degradation. It was a grave and serious distinction. As to talking about whipping at school, why they all knew it was a totally different matter. There, there was a sort of triumph in the capability of enduring the bodily pain of a whipping at school. But strike a man with only a glove upon the face—there was no physical pain in the case whatsoever, but what would be the effect upon his moral sense? Were they prepared to make their peasant a slave, and to apply this degrading punishment, this last resort of poor and pitiful jurisdiction, to enforce their criminal code? Were they obliged to admit, in this age that boasted of its civilisation, that they could not govern their fellow men without the whip? He was surprised to hear hon. Gentlemen tell him that whipping belonged to the law of England. Whipping, it was said, was part of the spirit of the British law; then God help them if they were not to get out of that spirit! They had done so in the case of women, let them get out of it in the case of men; and he hoped to see the day when they might get out of it in the case of boys. There was great flippancy in taking of the case of boys, but let them recollect that "the boy is father of the man." [*Laughter.*] They might laugh at the phrase, but it was a very pertinent one. When he felt thus for himself, why should he not suppose that the same feeling was in the heart of the peasant? Fortune had condemned him to poverty, and let not the law also condemn him to degradation because he was poor. Would they like their own children to be whipped at sixteen?—but they were gentlemen. Were there no gentlemen who had committed larceny at sixteen? Were there no parents who would not sink into the earth if they knew that their sons at the age of sixteen were to be exhibited in the market place? And would not the poor peasant, when his child was brought into the market place feel the degradation as bitterly? [An Hon. MEMBER: There is to be no whipping in the market place.] Well, if not in the market place, it was to be in the prison. He would like to see if the hon. Member for Pontefract could explain the difference between flogging in the market place and in the prison. He hoped the good feeling of the country would erase this stigma from the Bill. Bad as the thing might be, he trusted that the word would be fourteen instead of sixteen.

MR. LAW anticipated that one useful result that would follow from the adoption of the Amendment limiting the punishment to lads of fourteen, would be, that it would be a guide to Judges and to magistrates at quarter-sessions in limiting the age to which they should in future apportion the punishment of whipping. We had arrived at a time when it was felt that what was a fit punishment for boys, was an irritating, insulting, degrading, and unfit punishment for men.

MR. AGLIONBY said, that the hon. and learned Member for Sheffield had a right to object to a clause, and to draw a distinction between a boy of 14 and a boy of 16, and say the one was a boy and the other a man; but he had no right to say that this Bill had for its object the degradation of the poor. It was not the poor, it was the criminal. Those who supported this Bill considered that it was likely to diminish crime; and he agreed with the hon. Baronet the Member for Droitwich that in many instances it would be a mercy to the criminal himself. Though the hon. and learned Gentleman the Member for Sheffield said it was a degrading punishment, it might not be more so than incarceration for many months. And this he must say, that the son of a rich man would be subject to the same punishment. ["No, no!"] There was nothing in the Bill to make a distinction, and he did not believe that those who administered it would make a distinction; and he believed that in the case of the son of a rich man, it would be a mercy to flog him rather than send him to gaol.

MR. ROUNDELL PALMER could not help expressing his cordial concurrence with the views of the hon. and learned Gentleman who had just sat down; and, although it might be unpopular after the eloquent denunciation of the hon. and learned Member for Sheffield, yet he should not discharge his duty if, thinking that this was the cause of humanity, he shrunk from saying so on the present occasion. It appeared to him that they should not be led away by sentimentality, which might do very well in a popular assembly, but in that House they must look to the real and practical interests of society. They had to deal with a class in which sentimentality did not prevail in the same degree as in their own. When they talked of stigma and a degradation, it was the duty of the Legislature to say crime was the stigma, and they must not be deterred from applying the corrective, because the criminal might for the moment have irritated feelings with respect to the punishment. And he would just ask the House whether that was not the best punishment which combined these qualities—the quality of being sufficiently severe to prevent repetition, the quality of being cheap, the quality of being quick in its operation, and of being expeditious in its infliction? Did not this punishment and personal chastisement unite all these points more than any other? In the first place, would it not be more feared by a boy, if he knew that he had to undergo sharp punishment and pain, though but for a short time, than if he knew that he had to go to prison and associate with others like himself, where probably his moral susceptibilities would be so blunted that he had no fear of imprisonment? They knew by experience that the fear of the punishment of whipping was the more effective. Then, which was the more merciful, which left the greatest stigma in the long run? The knowledge that a person had been in gaol, and had there served an apprenticeship to crime, was much more of a stigma than that of a boy having to undergo that kind of punishment which every gentleman's son in the kingdom had to undergo. Then there was the consideration of cheapness—and though far be it from him to urge that as a consideration apart from others—yet considered along with others, it was worthy of being taken into account. On these grounds he hoped the House would agree to the clause, believing as he did that the punishment of whipping, whatever might be said against it, was really merciful. The hon. and learned Gentleman the Member for Sheffield said it made no difference whether the punishment took place in the prison or in the market place; but he entirely differed from this opinion. The irritation to the feelings, and the injurious recollection in the minds of others, were in direct proportion to the publicity of the infliction. But by the Bill before the House, an offender under the age of 16 might be once privately whipped, and there was an end of the market place.

Mr. BRIGHT said, he agreed with all that the hon. and learned Member for Sheffield had said on the subject of whipping. He should object to whipping persons 16 years of age, precisely on the ground that the hon. and learned Gentleman objected to it. But he objected to it on other grounds, which made him revolt at the idea of passing the Bill in its present shape. The hon. Baronet the Member for Droitwich proposed that the punishment should be inflicted by the order of two magistrates. Now, let them consider who magistrates were—how they were appointed, and the mode in which their business was sometimes conducted. Now, he believed there were many hundreds of magistrates to whom the country was greatly indebted; many who knew the law, and who were just and careful judges; but then he knew that magistrates were appointed frequently because they happened to be rich gentlemen of the neighbourhood, or because they happened to be the political partisans of a Government, and that they were not appointed from any inquiry into their capacity or knowledge. Take a rural district, for instance, and see a young man of 15 or 16 years of age brought before a magistrate, such as some of those whose conduct had been occasionally commented on in that House—let a police officer suggest that he is a lad of bad character, and had been known to go after hares—and allowing magistrates to be good men, as hon. Gentlemen believed them to be, and as he believed a great number of them were, he said it was more than that House ought to do with regard to the interests of the public to commit so severe and degrading a punishment to the adjudication and determination of gentlemen of that class. He was satisfied that the hon. and learned Gentleman was correct when he stated that the infliction of this punishment upon young men of this age by the sentence of two magistrates, without the intervention of a jury, would tend, in a multitude of cases, to create discontent in many parts of the country, and particularly in the rural districts, where public opinion had less influence on the conduct of magistrates than it had in towns. And if he regarded only the conduct and the character and the influence of the magistrates themselves, he would warn them against seeking from Parliament those additional powers, and he would ask them, more than any other men in that House, to vote decidedly against the proposition now before them.

Mr. ROEBUCK was at no loss to meet the argument of the hon. and learned Gentleman the Member for Plymouth. He had put it on a ground he could perfectly understand, and he would meet him on that ground. He said first of all this punishment was cheap, was very painful, and did not inflict a lasting degradation. Now, he could show him there was another punishment quite as cheap, that would inflict a good deal more pain, and not a whit less degradation. Let them take torture. ["Oh!"] He had a right to argue the question as the hon. and learned Gentleman had put it. What was this punishment of flogging but torture? The hon. and learned Gentleman said they were not going to do it publicly, as if that would take away from the mischief. That would enhance the mischief, because it was no example, it had an effect only upon the individual. Now, what they wanted to do by punishment was not only to affect the individual punished, but, through the punishment of the individual, to affect the public at large. Let them take the thumbscrew. The boy came into the back room of a prison and put his thumb into the screw, and if that should maim him they should suggest some other portion of his body that could be screwed and do no harm. That would effect the object that seemed to be worthy of consideration with the hon. and learned Gentleman—the cheapness of giving pain. How cheap it is to give pain! The slightest knife, not worth a penny, would inflict a pain so great that they could not measure it by words that language would afford. Therefore let them strike that out at once—cheapness let them not consider—the only real question was, did this infliction degrade the man? Society was entitled to inflict such punishments as would deter men from the perpetration of crime; but they must be content with inflicting the least possible punishment that would be efficacious to this end. For if, for argument's sake, he could prevent the crime of murder from being committed by a fine of one farthing, that was the utmost penalty he ought to exact. He had no vengeance to gratify. Could they be asked to do anything more frightful in the way of degradation than to whip a man? When hon. Gentlemen said that imprisonment for a month was a greater degradation than flogging, they knew very little of their countrymen or of the idea they entertained of such an infliction. It was a degradation that would last for life, and no future conduct of the boy of 16 to the man of 60 would wipe out the imputation. It would haunt him like a spirit from that hour, until the moment at which he breathed his last. He would be pointed out as the man who had been degraded by corporal punishment, and being so degraded, he will, like the slave in Homer, "lose half his manhood in being a slave."

Colonel THOMPSON said, one of the worst things about the Bill was, that there was no intention whatever of applying it to the children of the gentry. It was a Bill intended solely for application to the children of the working classes. Eton boys stole geese. He knew they did; for he had heard men holding His Majesty's commission declare they had done it, and add, moreover, that they did it in submission to the rules by which the sons of the gentry at public schools were forced to steal at the command of their superiors. But there was no intention that the son of a gentleman should be whipped for stealing, either in a prison or in the market place. All this only showed the low moral state of the upper classes, and one which the middle and working classes were ashamed of. He saw serious dangers in the plan. The people of this country had always been a thoughtful people, but sometimes a wild-blooded one. What might be the consequences if some man of a hot temperament saw the child of his affections sent home to him lacerated by the public executioner for having eaten a turnip? [*A laugh.*] It was very well for Gentlemen of good degree to laugh; but Wat Tyler turned out upon an insult to his child, and there was not a peasant's heart in the country that might not be moved to fearful thoughts of vengeance if such a misfortune should meet him in the proper mood. It would be one of those cases, where no habit of reverence for authority could be depended on to bind. He believed that even the negro slave, while slavery was legal in the colonies, would have risen in resistance, and multitudes in this country would have held him justified, if his child had been returned to him whipped as the children of the working classes in England were to be whipped by this law. He would warn the Members, that if the consequences fell in sorrow on themselves, they would have nothing to thank but their own insensibility to the feelings of their humbler countrymen.

Sir R. H. INGLIS said, the hon. and learned Member for Bath— [*Cries of* "Sheffield!"] He begged the hon. and learned Member's pardon, he should have said for Sheffield—who was one of the greatest orators as well as one of the greatest actors in that House, had expatiated with great feeling upon the suffering of boys from 14 to 16; but the hon. and learned Member had left some of the punishment he proposed to the imagination of the House. An hon. and gallant Member had alluded to the Eton boys; but on looking round the House he would ask which of them were not Eton boys? He would ask them, moreover, who was it that liked punishment? If a person committed an offence, he should expect some result in the way of punishment. The hon. and learned Member for Sheffield said, he could give them something as cheap, as lasting, and as painful as the penalty proposed. He supposed the hon. and learned Member meant hanging. Now, he asked what punishment they were to have? The hon. Member for Dumfries objected to hanging; other hon. Gentlemen objected to transportation; and the hon. and learned Member for Sheffield, with the amenity he always displayed in that House, contended against whipping. But was crime, therefore, to go unpunished? The question was not whether hanging was good, or whether transportation was good *per se*, but where crime existed, crime must be punished. Punishment was necessary far more than prevention or repression—it was necessary for correction. He did not coincide with the hon. and learned Gentleman, that punishment was to be looked upon only in the light of a matter to prevent crime; for he thought that it ought also to be considered as a means of correcting and reforming offenders.

Mr. PACKE said, that whipping was the law at present for boys of 16, when tried at the sessions. The question now was as to changing the tribunal; but the arguments had been directed against the punishment altogether. When whipping was inflicted at the sessions, it should be remembered that the jury had nothing whatever to do with the sentence; after they had found their verdict, it was for the bench to direct what the punishment should be. The object of the clause was merely to transfer this jurisdiction from the quarter to the petty sessions.

Mr. HUME had been surprised to hear the hon. and learned Member for Plymouth advocate flogging for grown-up men. This was a Bill for regulating the punishment of juvenile offenders. What would the public say when they found the House so ready to degrade persons just entering on manhood? It reminded him of the day when the corporal punishment of soldiers was defended to the extent of 500 or 600, or 1,000 lashes, on the ground that they were a class of men who were not sensible to punishment, and that was the only way by which they could be kept in discipline. The House was by degrees convinced of the atrocity and brutality of these punishments, and they were abandoned. Had not men from the ranks declared that many a good soldier had been destroyed by the first infliction of punishment—that in nine cases out of ten he was lost to the service, and no longer fit to be trusted as a soldier? Since the passing of the Act of 1827, the number of juvenile offenders had been greatly increased. There were instances of boys having been punished five, six, or ten different times; and was that any encouragement to extend this species of punishment? Did it not occur to the House that prevention was better than punishment, and that education might be more properly extended? Judging from the effect of corporal punishment being put an end to in the Army, he must conclude that the opinion of the hon. and learned Member for Plymouth was erroneous. Corporal punishment under 14, when the culprits were considered children, carried no degradation with it. There was the greatest difference between this punishment being inflicted by the court of quarter-sessions, and by a couple of magistrates sitting in a back parlour. The chances of mistake were all the greater; and when once the sentence was carried out, supposing the parties afterwards proved to be innocent, where was the remedy?

Mr. PLUMPTRE would prefer to see corporal punishment confined to those under fourteen.

Mr. HEADLAM said, that two arguments had been brought against the proposal—first, that it ought not to be extended to culprits above fourteen; secondly, that the tribunal was not a proper one. He differed from both those arguments. If a magistrate could be trusted with the infliction of this punishment on boys of fourteen, why not on those of sixteen? The evil of the punishment had been enlarged on, but no reference had been made to the greater evils of other punishments. Suppose the other course pursued, there would be the solemnity of a trial at the assizes, and consequent imprisonment, a thing much more likely to injure juvenile offenders than whipping. By sending them before the higher tribunal, their vanity and importance were flattered; and this would have the worst effect on themselves and their companions. Summary punishment was the most merciful course towards juvenile offenders.

MR. MUNTZ said, he should have been disposed to support the proposition before the House, to prevent the contamination of boys in prison; but feeling the other objections so strongly, he had not been able to screw up his courage to that point, and had therefore voted against the Bill all the while. Many magistrates, with the best intentions in the world, had no knowledge whatever of law, and almost as little of justice. It often happened, too, that the clerk to the magistrates was the magistrate himself; and that was a very great evil. It had been asked, why should not the same punishment be applied at sixteen as at fourteen? Because, at fourteen they were boys; but he remembered that when he was sixteen, he felt very much like a man. He was, fortunately, one of those who had escaped that punishment; he had never suffered the infliction of a stripe in his life; and, when he was sixteen, that man would have been a very clever fellow who would have laid a stripe upon him. Then there was the possibility of an innocent party being found guilty; and when summary punishment was inflicted, it was without redress, without appeal, the man was degraded for life, no reparation could be made him. He regarded trial by jury as one of the greatest bulwarks of our liberties, and he should ever oppose any attempt to narrow its application.

MR. HENLEY said, the question before the Committee was, whether corporal punishment should be extended, by a court of petty session, to persons between the age of fourteen and sixteen. The question as to the propriety of flogging, as a punishment, was not before them; and, therefore, he would not enter into that question. With regard to the extension of the punishment, he would vote against it; and for this reason, that persons of the age of fourteen being considered as boys were flogged with a rod, but, in all probability, that would be considered too light a mode of inflicting the punishment on a person of sixteen, and the cat would be used. Now, a person flogged with the cat would be marked for life, and he would not afterwards be taken into the Army.

MR. SLANEY said, he should vote against the extension of flogging to persons of sixteen years of age, although he admitted that his hon. Friend the Member for Droitwich was actuated by the best intentions in what he proposed.

SIR R. PEEL said, he wished to state, in a few sentences, the grounds on which he should give his vote. At present he found that the law established a distinction between boys who did not exceed the age of fourteen, and boys who were above that age. In the case of the boy who did not exceed fourteen, the law treated him as a boy, and made him subject to corporal punishment, under the summary jurisdiction of two magistrates. In the case of the boy who exceeded the age of fourteen, true it was that he was not exempted from corporal punishment; but they threw around him this sanction, that they required that the conviction should take place before the ordinary tribunals of the country. It was now proposed to confound this distinction, and to permit the boy, between fourteen and sixteen years of age, to be subjected to corporal punishment at the discretion of two magistrates. He apprehended that, before any such alteration of the law was made, which would, apparently at least, be at variance with the principle which of late years dictated a milder policy in their criminal code, a case of necessity should be made out. He had heard none such. He thought it much better that the distinction recognised by the existing law should be maintained, than that they should confound that distinction without any allegation for the necessity of so doing. He apprehended that there was a growing conviction that corporal punishment ought not to be inflicted except in cases of grave necessity; and although adults were subject to corporal punishment, yet, upon their conviction, the Judges generally acted on the principle of selecting some other punishment than that degrading one. But he must say, that if Parliament, without any allegation of necessity, widened the discretion with regard to corporal punishment, it would be giving a tacit encouragement to the substitution of that form of punishment for the milder practice which of late years had made such progress in this country. He held that the practice in public schools had no analogy to the case of corporal punishments inflicted on offenders as a degradation. In his opinion, this would be no improvement of the law. It might make no practical distinction possibly, but it was important in this respect, that it would show that the House of Commons were prepared, without apparent necessity, to retrograde from that course which they had of late years entered upon.

Question put, "That the proposed Proviso be there added."

The Committee divided:—Ayes 170; Noes 89: Majority 81.

List of the AYES.

Adair, H. E.
Alcock, T.
Armstrong, Sir A.
Baring, T.
Barnard, E. G.
Bass, M. T.
Beresford, W.
Blake, M. J.
Boldero, H. G.
Bouverie, hon. E. P.
Bowles, Adm.
Broadwood, H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Buller, Sir J. Y.
Buxton, Sir E. N.
Chaplin, W. J.
Christy, S.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Cockburn, A. J. E.
Cocks, T. S.
Colebrooke, Sir T. E.
Copeland, Ald.
Cowan, C.
Crawford, W. S.
Denison, E.
Devereux, J. T.
Divett, E.
Douglas, Sir C. E.
Drummond, H.
Duncan, G.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Du Pre, C. G.
Edwards, H.
Ellice, rt. hon. E.
Ellis, J.
Elliott, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Evans, W.
Fagan, W.
Farnham, E. B.
Farrer, J.
Fergus, J.
Floyer, J.
Foley, J. H. H.
Fordyce, A. D.
Fox, W. J.
Galway, Visct.
Glyn, G. C.
Goddard, A. L.
Goulburn, rt. hon. H.
Grace, O. D. J.
Greenall, G.
Greene, J.
Greene, T.
Guest, Sir J.
Hale, R. B.
Hall, Sir B.
Harris, R.
Hastie, A.
Hayes, Sir E.
Heald, J.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Henry, A.
Herbert, rt. hon. S.
Heyworth, L.
Hildyard, T. B. T.
Hill, Lord M.
Hodges, T. L.
Hodgson, W. N.
Howard, P. H.
Hudson, G.
Hughes, W. B.
Hume, J.
Humphery, Ald.
Hutt, W.
Johnstone, Sir J.
Jones, Capt.
Keating, R.
King, hon. P. J. L.
Knox, Col.
Law, hon. C. E.
Lawless, hon. C.
Lewis, rt. hon. Sir T. F.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Lowther, hon. Col.
Lushington, C.
Mackenzie, W. F.
M'Cullagh, W. T.
M'Neill, D.
Meagher, T.
Mahon, Visct.
Mangles, R. D.
Masterman, J.
Matheson, Col.
Melgund, Visct.
Milner, W. M. E.
Moffatt, G.
Monsell, W.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Muntz, G. F.
Napier, J.
Neeld, J.
Newport, Visct.
Osborne, R.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, F.
Peto, S. M.
Pilkington, J.
Plowden, W. H. C.
Plumptre, J. P.
Power, N.
Price, Sir R.
Richards, R.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Sadleir, J.
Salwey, Col.
Sandars, G.
Scholefield, W.
Scully, F.
Slaney, R. A.
Smith, J. B.
Smyth, J. G.
Sotheron, T. H. S.
Spearman, H. J.
Stafford, A.
Stanley, hon. E. H.
Stanton, W. H.
Stuart, Lord D.
Stuart, Lord J.
Talbot, J. H.
Tenison, E. K.
Tennent, R. J.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Tyrell, Sir J. T.
Walmsley, Sir J.
Walpole, S. H.
West, F. R.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyld, J.

TELLERS.

Strickland, Sir G.
Bright, J.

List of the NOES.

Adair, R. A. S.
Aglionby, H. A.
Anson, Visct.
Armstrong, R. B.
Bagot, hon. W.
Baring, rt. hon. Sir F. T.
Barrington, Visct.
Berkeley, hon. H. F.
Berkeley, C. L. G
Bernard, Visct.
Blackall, S. W.
Blakemore, R.
Booth, Sir R. G.
Bromley, R.
Bruce, C. L. C.
Carew, W. H. P.
Chatterton, Col.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Coke, hon. E. K.
Colvile, C. R.
Crowder, R. B.
Cubitt, W.
Denison, J. E.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Ferguson, Col.
Ferguson, Sir R. A.
Forbes, W.
Forster, M.
Freestun, Col.
Frewen, C. H.
Grey, rt. hon. Sir G.
Gwyn, H.
Hamilton, Lord C.
Hatchell, J.
Headlam, T. E.
Heathcoat, J.
Heywood, J.
Hollond, R.
Hope, A.
Hotham, Lord
Howard hon. C. W. G.
Inglis, Sir R. H.
Jervis, Sir J.
Keogh, W.
M'Taggart, Sir J.
Marshall, W.
Maule, rt. hon. F.
Milnes, R. M.
Mitchell, T. A.
Moody, C. A.
Morgan, O.
Naas, Lord
O'Brien, Sir L.
O'Connell, M. J.
Ogle, S. C. H.
Oswald, A.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Pelham, hon. D. A.
Perfect, R.
Portal, M.
Prime, R.
Rawdon, Col.
Rendlesham, Lord
Renton, J. C.
Repton, G. W. J.
Rice, E. R.
Rushout, Capt.
Russell, F. C. H.
Seymer, H. K.
Seymour, Lord
Sibthorp, Col.
Simeon, J.
Smythe, hon. G.
Somerville, rt. hn. Sir W.
Talbot, C. R. M.

Tollemache, hon. F. J.
Townshend, Capt.
Villiers, Visct.
Vivian, J. H.
Wawn, J. T.
Wegg-Prosser, F. R.
Wrightson, W. B.

TELLERS.

Packe, C. W.
Pakington, Sir J.

MR. ROEBUCK hoped the hon. Baronet, after such a decision, would withdraw the Bill altogether. He could not see what use there would be in proceeding with it further, after the power of whipping offenders between 14 and 16 years of age had been cut out of the measure.

SIR J. PAKINGTON regretted the decision that the House had just come to, which he did not think a merciful decision; but the Bill as it stood would still leave the magistrates the power, if they saw fit, of discharging an offender altogether who was brought up for the first time on a trifling charge; and as it would enable the juvenile offender to be saved from the contamination of the period passed in the gaol before trial, he thought it worth while to go on with the measure.

MR. ROEBUCK would like to know how much use a Bill would be that could only save the offender from the contamination of the gaol, by allowing him to go altogether unpunished?

MR. AGLIONBY concurred with the hon. Baronet in thinking the decision of the Committee an unfortunate one for the criminal himself. But the manner in which they had discussed the Bill was not calculated to raise the credit of their proceedings. They had several divisions upon it earlier in the evening, and at every subsequent hour a set of fresh Members came in, and not having heard the previous speeches they repeated other people's arguments over and over again. And then came, as the climax of all, the speech of the right hon. Gentleman the Member for Tamworth—"Presto, change!" and all that they had already decided, substantially, was all overturned. Still the Bill would prevent contamination in gaol. [Mr. ROEBUCK: No, no!] The hon. and learned Gentleman should show a little patience to others, when they had often to show so much to him. The Bill would now enable the magistrates to inflict on these men—for boys he was not allowed to call them—between 14 and 16 years of age, a short period of imprisonment—a week, or a few days, for example—in minor offences; whereas, if they destroyed the Bill altogether, they would have to go to prison six months or so before trial. On that ground he hoped the measure would be proceeded with.

SIR R. PEEL said, he could not conceive a stronger proof than that given by the hon. and learned Member for Cockermouth, that the sense of the House was decidedly against the Bill. The hon. and learned Member said, "Here have been Members dropping in who have not been subjected to the contamination and confinement of the House; and one after another they have expressed an opinion adverse to the proposed jurisdiction." This was no party question: if it were a party question, he apprehended that his (Sir R. Peel's) authority would not be very great. He did not speak until after two of the highest authorities—the hon. Member for East Kent and the hon. Member for Oxfordshire—both of whom had had great experience in such matters, had expressed a decided opinion on the subject. He had no wish, however, to disclaim his own responsibility, but he heartily rejoiced in the decision to which the House had come, and he repeated that the hon. and learned Member had given a most decided proof of the sense of the House in stating that independent Members entering the House at different periods of the debate, had arrived at the same conclusion. This was no very recondite question; it was simply whether the jurisdiction of flogging should be extended to boys between 14 and 16.

MR. HUME reminded the hon. and learned Member for Cockermouth that in two divisions the majority was six and nine; and if the Cabinet had been taken out, the Amendment would in each case have been carried.

MR. TORRENS M'CULLAGH: The hon. Member for Droitwich had, since the last division, frankly admitted that the great object of the Bill was to secure the power of the lash over those who came under the jurisdiction. If the hon. Baronet were determined to proceed, he was disposed to divide the House against that course.

SIR G. GREY said, the House had already affirmed the principle of the Bill, which was to extend the summary jurisdiction from offenders of 14 to those of 16 years of age. He, therefore, trusted, although they had rejected a particular species of punishment for the elder class of offenders, they would not now destroy the principle by rejecting the clause altogether; and he thought they had already had divisions enough on the Bill.

MR. BRIGHT would recommend the hon. Member for Droitwich not to go to a division on the question then. On the question that the Chairman report progress, the Bill had been kept alive only by a majority of 6; on another question the majority was only 9. He thought it would be unwise to proceed with legislation of that nature with such a division of feeling in the House. He would suggest, that under the circumstances it would be best to withdraw the Bill for the present; and two or three years hence, if a case of necessity or desirableness had been made out, the House might return to the consideration of the question, and perhaps decide by a majority which would give weight to the measure proposed.

SIR J. PAKINGTON was not prepared to admit that the House was so equally divided as the hon. Member for Manchester appeared to suppose. On the question whether the House should or should not go into Committee on the Bill, a full House had divided, and so far he had a right to infer that there was a majority of 60 or 70 Members in favour of that part of the Bill which was retained. If the hon. and learned Member for Dundalk persevered, he should take the sense of the House on the Bill as it stood.

MR. LAWLESS moved the insertion of a clause exempting Ireland from the operation of the Bill; his principal reason for doing so was, that in Ireland there was not the power of appeal which existed in this country.

LORD NAAS thought the Bill was more required in Ireland than in any other part of the united kingdom, seeing that so much contamination had arisen there from the overcrowded state of the gaols.

SIR J. PAKINGTON said, that when he introduced the Juvenile Offenders Bill in 1847, he was strongly appealed to by Irish Members to extend it to Ireland. He declined to do so at the time; but in the following year a Bill for that purpose passed unanimously.

MR. ROEBUCK said, what the hon. Gentleman the Member for Clonmel complained of was, that there was no uniformity. He said that Ireland differed from England, inasmuch as the accused had not the power of appeal.

SIR J. PAKINGTON did not know what the hon. Gentleman meant by a power of appeal. He was not aware of the existence of any such power. What the hon. Gentleman called the power of appeal, was no appeal at all. If the hon. Member thought the distinction between the two Acts of so much importance, he could propose a clause on the report.

Bill reported; as amended, to be considered on Thursday, 2nd of May.

MARRIAGES BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

SIR F. THESIGER hoped the hon. and learned Gentleman would not attempt to force on the Bill at this late hour (a quarter to 12 o'clock). He had been expecting the Bill to come on at an early period of the night.

MR. S. WORTLEY said, that the present regulations of the House were such, that it was almost impossible for a private Member to proceed with a Bill. He believed it was for the convenience of the House to proceed. He believed that a large portion of the House had attended with a view to this question. The Amendments were not a new subject, but those on which most men had made up their minds, and it was very easy for the House to come to a vote.

SIR F. THESIGER begged leave to move that this debate be now adjourned.

Motion made, and Question put, "That the debate be now adjourned."

MR. HUME said, that really the House ought to be prepared to decide one way or the other.

MR. ROUNDELL PALMER thought it was not doing justice to the motives which actuated those on the other side, in wishing for an adjournment, as if no question was to be discussed which had not been discussed already. The contrary was the fact. Several important principles arose in Committee which would require full consideration on the part of those who had given notice of Amendment. He had given a notice that went to the exemption of the Established Churches of England and Scotland from the operation of this measure, and it would be his duty in pressing that Motion to occupy the House a considerable time.

MR. F. MAULE said, that he had a Motion that Scotland be excluded from the operation of the Bill. This question which he had undertaken to move, was the only question upon which he could really say that he believed Scotland was almost unanimous. He believed there did not exist a difference of opinion to any extent on the subject, and Scotland would be disappointed if the matter would be taken without full discussion.

Mr. FORBES hoped the Bill would not be pressed forward at that late hour. He, too, had an Amendment, similar to the right hon. Gentleman the Secretary at War.

Colonel CHATTERTON said, that he also had an Amendment to propose, for the exclusion of Ireland from the Bill; and believing that the people of Ireland were unanimous for exemption from the operation of the measure, he should support the Amendment.

Sir B. HALL hoped that the right hon. and learned Gentleman would withdraw his Bill for the present. This measure was said to have been brought forward for the advantage of the poorer and humbler classes. He denied that allegation. Looking at the former Act, which was precedent to the present Bill, to the great outlay and expenditure that had been incurred to carry out the object of this Bill, he believed that the Bill had not been brought forward for the benefit of the poorer and humbler classes, but to put certain persons of a higher grade in a better position than that they now occupied. It was impossible that all the expenditure could have been defrayed by poor people. He could not mention names, but he knew who had paid the cost.

Mr. COCKBURN said, it appeared to him that the House was in a state of quite sufficient attention and vigilance to enable them to go on with the Bill. They were not called upon to conclude the debate the same night. If hon. Gentlemen on the other side were satisfied that their numbers were full, they would have no anxiety as to the result of a division. Every hour saved was an hour gained in the progress of the Bill, and he thought his right hon. and learned Friend justified in pressing on the Committee at that comparatively early period of the evening.

Sir R. H. INGLIS said, that he would join issue with the hon. and learned Member who had spoken. He did not think that any advantage would be gained by their going into Committee at that late hour. He held, with the hon. and learned Member for Abingdon, that they should not go into Committee.

Mr. BOUVERIE agreed that no advantage would be gained by their going into Committee at that hour.

Mr. S. WORTLEY said, he was in exactly the same position as other hon. Members, in having been in unbroken attendance in the House for many hours, and he had not received the slightest intimation till just before the Amendment was moved, that there was any intention to oppose the Speaker leaving the chair. He trusted they would allow the Committee to go on; otherwise he must divide.

Sir G. GREY suggested that the House might go into Committee, but without taking the discussion, which might be postponed.

Sir F. THESIGER said, his object was to prevent the Bill going on at that late hour. He had no objection to his right hon. and learned Friend taking a stage, or any desire to oppose the Speaker leaving the chair, on the understanding that there was a general feeling in the House not to go on with the discussion at that period of the night.

Mr. GOULBURN said, that if the House went into Committee, the Bill would be rediscussed when it came again before them. He had no objection whatever to go into Committee on the understanding that there should be no discussion.

Sir R. H. INGLIS objected to any compromise or understanding, and would support the Amendment.

The House divided:—Ayes 89; Noes 152: Majority 63.

List of the Ayes.

Anson, Visct.
Arkwright, G.
Bagot, hon. W.
Beresford, W.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Boldero, H. G.
Bramston, T. W.
Bruce, C. L. C.
Buller, Sir J. Y.
Burrell, Sir C. M.
Carew, W. H. P.
Chatterton, Col.
Christopher, R. A.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cocks, T. S.
Colvile, C. R.
Cowan, C.
Davie, Sir H. R. F.
Deedes, W.
Divett, E.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duff, G. S.
Duncan, G.
Duncuft, J.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fergus, J.
Forbes, W.
Fordyce, A. D.
Grace, O. D. J.
Greenall, G.
Greene, T.
Grogan, E.
Gwyn, H.
Hale, R. B.
Hall, Sir B.
Halsey, T. P.
Hastie, A.
Hayes, Sir E.
Heneage, G. H. W.
Henley, J. W.
Hildyard, R. C.
Hildyard, T. B. T.
Hodges, T. L.
Hodgson, W. N.
Hope, A.
Hornby, J.
Jones, Capt.
Lockhart, A. E.
Lockhart, W.
Mackenzie, W. F.
M'Neill, D.

Manners, Lord J.
March, Earl of
Monsell, W.
Naas, Lord
Napier, J.
Neeld, J.
Oswald, A.
Palmer, R.
Palmer, R.
Peel, F.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Renton, J. C.
Richards, R.
Rushout, Capt.

Seymer, H. K.
Sibthorp, Col.
Simeon, J.
Stanley, hon. E. H.
Stanton, W. H.
Tenison, E. K.
Tyrell, Sir J. T.
Verner, Sir W.
Villiers, Visct.
Walpole, S. H.
Wegg-Prosser, F. R.
West, F. R.
Willoughby, Sir H.

TELLERS.

Inglis, Sir R. H.
Thesiger, Sir F.

List of the Noes.

Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Archdall, Capt. M.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Baring, T.
Barnard, E. G.
Barrington, Visct.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Blackall, S. W.
Blake, M. J.
Blewitt, R. J.
Booth, Sir R. G.
Boyle, hon. Col.
Bright, J.
Broadwood, H.
Brocklehurst, J.
Brockman, E. D.
Bromley, R.
Brotherton, J.
Carter, J. B.
Caulfeild, J. M.
Chaplin, W. J.
Christy, S.
Clay, J.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Copeland, Ald.
Crowder, R. B.
Denison, E.
Duff, J.
Duke, Sir J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ellis, J.
Elliot, hon. J. E.
Evans, W.
Fagan, W.
Ferguson, Sir R. A.
Filmer, Sir E.
Foley, J. H. H.
Forster, M.
Fox, W. J.
Freestun, Col.

Frewen, C. H.
Galway, Visct.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goddard, A. L.
Goulburn, rt. hon. H.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Hamilton, Lord C.
Hanmer, Sir. J.
Harris, R.
Hatchell, J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heneage, E.
Henry, A.
Herbert, H. A.
Heywood, J.
Heyworth, L.
Hobhouse, T. B.
Hollond, R.
Howard, hon. C. W. G.
Howard, Sir R.
Hudson, G.
Hughes, W. B.
Hume, J.
Jervis, Sir J.
Johnson, Sir J.
Jolliffe, Sir W. G. H.
King, hon. P. J. L.
Lawless, hon. C.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Macnaghten, Sir E.
Mahon, Visct.
Mangles, R. D.
Marshall, W.
Martin, S.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Moffatt, G.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Muntz, G. F.
Norreys, Sir D. J.

Ogle, S. C. H.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Pelham, hon. D. A.
Pilkington, J.
Power, N.
Price, Sir R.
Rawdon, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, hon. E. S.
Russell, F. C. H.
Salwey, Col.
Scholefield, W.
Slaney, R. A.
Smith, J. A.
Smith, M. T.
Smith, J. B.

Smyth, J. G.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stuart, Lord D.
Stuart, Lord J.
Talbot, C. R. M.
Thicknesse, R. A.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Tollemache, hon. F. J.
Townshend, Capt.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wyld, J.

TELLERS.

Wortley, J. S.
Hill, Lord M.

Question again proposed, "That Mr. Speaker do now leave the chair."

Captain BOLDERO then moved the adjournment of the House.

Whereupon Motion made, and Question put, "That this House do now adjourn."

Colonel RAWDON protested against the suspension of public business through the course taken by the opponents of the Bill; and he asked whether it was calculated to raise the House in the estimation of the country?

Sir F. THESIGER understood that his right hon. and learned Friend only proposed to take one stage, that of the Speaker leaving the chair, and to undertake not to proceed with the measure in Committee. Under these circumstances he thought there was no necessity for pressing the Motion.

Mr. F. MACKENZIE said, the right hon. and learned Gentleman would gain either something or nothing by the stage. If he were to gain anything by it, he (Mr. Mackenzie) would oppose it; but if he gained nothing, why press on the Bill?

Mr. FOX MAULE said, nobody was more opposed to the measure than he was; but it was only fair to place the right hon. and learned Gentleman in the position he would have been in had the Bill come on at an earlier stage.

Mr. PLUMPTRE was not satisfied with any arrangement for a stage being gained by Mr. Speaker leaving the chair. The more the Bill was discussed the more objectionable would it prove to be, and he was unwilling to lose any opportunity of making its objectionable principles apparent.

Mr. WALPOLE urged the House to consent to this stage, observing that there would be a full opportunity of discussing the principle upon the third reading.

Mr. ROUNDELL PALMER thought the cause of those who, like himself, opposed the Bill, would hardly be strengthened by the course which was taken in moving adjournments. They must lead to an impression that their object was obstruction rather than discussion.

Sir R. H. INGLIS remarked that the concessions of his two hon. and learned Friends would not have been made at eight o'clock, and they had been addressed to the House solely from a conviction that the hour was too advanced to proceed with the discussion. Had his right hon. and learned Friend gained or advanced a single step? He had not; nor would he after the division. Under these circumstances it would be better for him to withdraw the proposition for going into Committee.

Captain BOLDERO said, he was determined to oppose the Bill at every stage and by all means in his power, for a more objectionable measure he had never known introduced into that House. Upon his honour he had a stronger feeling against this Bill, and greater pleasure in voting against it, than against any other ever brought before Parliament. With these feelings he should oppose it at every point which the forms of the House would allow.

The House divided:—Ayes 52; Noes 147: Majority 95.

Question again proposed, "That Mr. Speaker do now leave the chair."

Mr. FORBES moved the adjournment of the debate.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 48; Noes 133: Majority 85.

Mr. S. WORTLEY appealed to the House to allow the Bill to be committed *pro formâ*, promising to defer discussion to a future occasion.

Sir G. GREY deprecated the opposition with which the right hon. and learned Member had been encountered, but thought that it would be futile to persevere further with the Bill that evening.

Debate adjourned till Thursday 16th of May.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, April 19, 1850.

Minutes.] Public Bills.—1ª Indemnity.

2ª Smoke Prohibition; School Districts Contributions.

CARRICK-ON-SHANNON UNION.

The **Marquess of WESTMEATH** rose to present a petition from the board of guardians of the union of Carrick-on-Shannon, complaining of the management and misconduct of the late vice-guardians and other official persons connected therewith, and also to move for a "Select Committee to investigate and report upon all the allegations and charges contained in the said petition." He said, that his wits had been sharpened upon this subject in consequence of his having been made personally a victim of the maladministration of the poor-law. If it were asked why he had given notice of this Motion, he would reply that he wished to show to the country and to Parliament that the people had no protection whatever, especially in Ireland, wherever the system of the poor-law was carried out without check and without control. A Committee of their Lordships' House had sat on this subject last year, and his agent (Mr. Kincaid) appeared before that body as a witness; that gentleman, who was well acquainted with the condition of Ireland, and was the agent for several large estates as well as for his own, had stated to that Committee many of the acts of oppression under the Irish poor-law to which he should have occasion that evening to refer. In the year 1847 the Legislature passed an Act of Parliament, by which the immediate lessors were made responsible for all the rates levied on farms under a rent of 4*l.* per annum. Up to that period he had himself always paid his rates to the last farthing, but in that year a demand was made upon his agent for a sum of money alleged to be due as poor-rate upon property belonging to him in a particular parish in Roscommon —a demand to which his agent did not think him liable. The liability was disputed, and the names of the persons occupying were asked for, which the commissioners refused to give. The commissioners then issued a writ of privilege, as it was termed, against his property; and the result was, that a distringas for 91*l.* 11*s.* 3*d.* was issued through the sheriff of the county of Westmeath for alleged poor-rates due in another county, the amount of which turned out to be but *27l. 3s.* in the first instance. In the November following he had applied to the Court of Common Pleas to stop the proceedings enforced against him, which might and ought to have been settled in the inferior courts, as such was the intention of the Act of Parliament. The particulars of the demand upon him were certainly concealed from that court, before which he was brought by the Poor Law Commissioners, who, though they were empowered to proceed against defaulters by civil-bill process in the county courts, had also the power of proceeding against them in the superior courts, and of aggravating costs thereby. The Lord Chief Justice of that Court, blinded as to the real facts in issue—because the only possible motive for his resistance was, that the vice-guardians would not, and did not, inform his agent the particulars of the demand, that he might be satisfied the party for whom he was acting was liable—subsequently declared that his was a very bad case, and that Lord Westmeath had set a bad example ; and the consequence was, that the adverse costs were made to amount to *23l. 2s. 3d.*, and those to his own attorney to *21l.* additional. A levy for the amount was made, not on his property in Roscommon, but on his property in Westmeath, on the ground that he had no residence in Roscommon, but only a fishing-lodge. Now, the fact was, he had a residence and large property in Roscommon, and was one of the oldest magistrates in that county. He instanced this personal circumstance to show the vexatious way in which the poor-laws were administered in Ireland, which would not be endured in England for one moment, and he had been actually robbed of *45l. 2s. 3d.* costs to recover *27l. 3s.*, which he was willing and anxious to pay, merely for the gratification of the attorney of the vice-guardians in Dublin, to whom this job was given to conduct in the superior courts, which might have been done in the civil-bill court at the expense of four shillings. The petition which he had then the honour to present set forth the sum at which the union was valued, and the number of rates which had been levied in it since the period at which the vice-guardians were appointed to administer its affairs. He had no doubt that the noble Marquess opposite expected that the administration of all the unions to which vice-guardians were appointed was conducted in a proper manner ; but he must inform his Lordship that in that expectation he was greatly deceived. He might, perhaps, be permitted to refer to the fact that when Lord J. Russell spoke, in 1836, of the introduction of the poor-law into Ireland, he said that the expense of its administration would not exceed *260,000l.* annually; but, in the last year, the expense of it had amounted to nearly *2,000,000l.*, to which their Lordships would see that the board of guardians of this union had contributed no small sum, when he mentioned that *45,257l.* had passed through their hands within the last twenty-one months. Now, this measure of the poor-law had been adopted in Ireland contrary to the opinions, founded on experience, of every intelligent landowner in that country, and he might even go so far as to say that it had been forced upon Ireland by the Legislature in direct opposition to the wishes of the people. All the waste of money, and all the injustice which had since been committed, in Ireland, were therefore chargeable upon the original authors of the measure, who had enforced it with great pressure in almost every part of the country. When a Minister told him that *260,000l.* would be the expense of administering all the unions in Ireland, and when he found that *45,257l.* was expended by a single union within twenty-one months, was he to be told that it was a miscalculation founded upon a desire to legislate more tenderly for his unfortunate country ? The statement which the noble Marquess had made on a former evening, that there had recently been a great diminution in the amount of outdoor relief given in Ireland, was, he was sorry to say it, not supported by the fact. That measure of the poor-law, which had brought Ireland to the very verge of ruin, had not been of the slightest benefit to the other component parts of the three kingdoms, which might be seen by looking at the petitions complaining of the immigration of Irish paupers, with which the people of England and Scotland had filled the tables of both Houses of Parliament. And what was the consequence of that immigration of Irish paupers into England ? The father of the family emigrated to England. As soon as he was out of the reach of an Irish warrant, the wife complained that she and her children were deserted by her husband, and the consequence was, that by this blundering Act of Parliament she and her children were entitled to an order to come into the workhouse. A vast number of women and children were thrown in this manner upon the unions of Ireland. Whilst this state of things was going on, there were two or three other circumstances which greatly aggravated the misery of his unfortunate country. There was no standard valuation in Ireland by which the amount and justice of the rate could be clearly understood. The mode by which the payment of the county cess was enforced was also ruinous. Government ought to adopt measures to prevent the county cesspayer from being called on to pay his cess a second time. The security which the grand juries are supposed to take from the collectors of the county cess may be valueless or not, as those ephemeral bodies may choose; and as a proof of it, he mentioned that one collector of county cess in the county of Roscommon had recently quitted the country, leaving a deficit of 10,000*l.* in his accounts, and others, in all amounting to 27,000*l.* in that county, all which the ratepayers will be reassessed to pay. It would be inexcusable if the Government allowed such a state of things to continue. The petitioners in the Carrick-on-Shannon case, which he had now to bring before the House, complained that in their union 5,283*l.* of rates were now uncollected, and that the law was not put in motion against those who were either unwilling to pay, or were cunning enough to conceal the name of the party in possession. This was an inexcusable blunder on the part of the Executive, as it obliged the honest man to pay an increased rate at the very moment when the skulker was evading payment of his arrears altogether. The petitioners likewise complained that they had been compelled to impose a new rate of 15,000*l.*, which they could not collect; that they had requested leave of the Poor Law Board to collect it in two instalments, which had been refused by the Commissioners. They also complained, that on the vice-guardians being displaced by the local board, they advertised on the very day of their leaving office for contracts, which bound their successors. He was happy to say that the Lord Lieutenant, on hearing of such proceedings, immediately took decisive measures to put an end to them. The result, however, of all this mismanagement on the part of the vice-guardians was, that an execution was now in the workhouse of the union. He declared himself ready to prove all these allegations by incontestable evidence before a Select Committee, which he hoped that the noble Marquess would not refuse. He denied that the poor-law was now working well in Ireland, and contended that the authors of the evils which had been produced under its operation ought to be visited with severe punishment. He gave no credit to the Government for the introduction of the Encumbered Estates Bill; for such was the state of confusion in which all its measures were prepared that it did not enable parties to bring property to the hammer, until there was no purchaser of land to be found in the market; and even now the law advisers of the Crown, as a proof that they considered their own measures lame and liable to be regarded with contempt, were bringing in a rider to that Bill to enable a purchaser to mortgage the estate he bought for half its value. Let not Englishmen suppose that the estates sold under that Bill were sold for anything worth mentioning. Portions of property well situated here and there might have produced a reasonable price; but in general, estates had not produced anything like their real value. He considered that Ministers were responsible for all the evils now afflicting Ireland; and he was glad to be in a position to describe to their Lordships the lamentable condition to which the landowners of Ireland were now reduced. Their estates were all but gone—their sons and daughters were reduced to beggary—there was no remunerating price to be got for corn—and bad laws and bad agriculture had left the landowner without any control over his property. Free trade and the poor-law combined had consummated at last the ruin of Ireland. He concluded his observations by denouncing the poor-law as cruel and unconstitutional, as liable to the grossest abuse for purposes of oppression in the hands of unprincipled men, and as calculated to crush the honest and independent man, if he had not the means as well as the spirit to resist its tyrannical operation.

The EARL of MOUNTCASHELL, in seconding the Motion, said, he had always considered that the poor-law was not a measure suited to Ireland. The circumstances under which the law was introduced into the two countries were wholly different. In England it was gradually introduced, extending with the prosperity of the country; but in Ireland the poor-law was introduced in a season of the greatest adversity—when the crops had failed, and when the people were in distress. Free trade diminished the resources of the ratepayers, and had, in short, reduced every one to a state of ruin unexampled even in the history of Ireland. The Irish poor-laws were not as lenient as the English, for the fee-simple of the Irish land might be sold to pay off the arrears of poor-rates. At a period the most unfavourable when the cup of Irish misery was full, they passed a Bill compelling Irish landlords to dispose of their estates—a measure which was nothing less than legalised robbery. Again, paid guardians had been forced upon many unions—men who took no real interest in the welfare of those districts, who often left the unions worse than they found them. Many of the Irish unions were ruined; others were on the verge of bankruptcy; and the event was, that the ratepayers were driven out of a country in which they could no longer obtain a subsistence. The landlords were left without their rent, the tenants ran away, and if matters remained as they were, the old fee-simple of Irish property must be sold to pay off the arrears of Irish poor-rates. How could it be expected that men of capital in this country would purchase them under such a ruinous state of things?

The Motion having been put,

The MARQUESS of LANSDOWNE considered it necessary to recall to their Lordships' attention that the question brought forward by the noble Marquess related simply to alleged misconduct in one particular union in Ireland, although, indeed, it might be inferred from the speeches of the noble Marquess and the noble Earl that it was a Motion for the repeal of the poor-law, the abolition of county cess, Sir R. Peel's finance measures, and the removal of free trade altogether. When those questions were brought before their Lordships formally, and with all the weight that would attach to them from being brought to their attention by the noble Marquess and the noble Earl, it might be necessary to enter into the consideration of them; but the petition which the noble Marquess had presented related only to the misconduct of certain vice-guardians in Ireland. The noble Marquess had complained of the expenditure of those vice-guardians. He was not prepared to say that in Ireland, either under the administration of the guardians or the vice-guardians, there had not been great profusion and abuse; and he had always thought that the introduction of the poor-law into that country could be effected only with expense, and subject to the objection of very great abuse, from the difficulty, if not the impossibility, of at once finding in that country fit instruments to carry such a law into effect. Every effort, however, had been made by the Government and the Poor Law Commissioners in Ireland to prevent those abuses before they arose, and to correct them when they existed. The poor-law inspector, to whom reference has been made, has been dismissed, but no charge has been substantiated, and, consequently, no punishment has been inflicted. In examining what were the abuses under the vice-guardians, it was right to remember the difficulty of choosing proper persons for the office of vice-guardians; also that in many cases they had done great service, and received the strongest acknowledgments for it. It would be right, also, to remember what was the administration of the unions in Ireland by the guardians and elected guardians before the vice-guardians were appointed, and what were the abuses, some of omission and some of commission, which had risen to that extent that their Lordships and the other House of Parliament had felt it absolutely necessary, however contrary to principle and the habits and prejudices of their Lordships, to look for the administration of this law by nominating vice-guardians. In every instance to which this petition referred, the vice-guardians were appointed in consequence of repeated representations made to the Poor Law Commissioners that the guardians would not do their duty—in consequence of some specific allegation made to them, and confirmed by inquiry, that the whole mass of relief was suspended, from the guardians not performing the specific duty they had undertaken, namely, under the severe pressure of the famine, of sitting from day to day, so that the poor were brought from all parts of the union for relief; but no arrangements were made to meet the cries of the starving multitude, and the great danger and suffering which would have been incurred to the fullest extent but for the exertions of the poor-law inspector, who found the whole duties of the guardians cast upon him, and was able to meet the difficulty and provide for the wants of the people. So deficient, too, had been the guardians in their duty, that from the rates not being collected to meet the personal demands made upon them by the contractors, those contractors, as he was informed, had refused to supply provisions at the former rate, and that was one reason of the increased expenditure. He was authorised to say, that the Poor Law Commissioners had not received any information with respect to the matters alluded to by the noble Marquess; as to the charge that was made against a certain officer, involving a breach of trust, and a charge of personal motives that would be of a most discreditable nature, he was authorised to say, that that person was most desirous there should be an inquiry into it, and he was now taking steps for that purpose in a way that would be more satisfactory than by a Committee of their Lordships' House, namely, an action for libel against those who had published the charges. He had that day received a communication from the Poor Law Commissioners, stating that that gentleman—and he would name him, because he himself wished it to be known—Captain Wynn, said that this was in its origin a foul conspiracy and misrepresentation against him; that he was in communication with his legal advisers on the subject, and that his intention was to institute such an action. Putting the case aside, however, he believed that the single fact that there was no evidence of neglect on the part of the vice-guardians, was sufficient for their Lordships not to grant the Committee that was asked for. But the figures would convey a general notion whether the vice-guardians were reprehensible or not. Under the extended poor-law, the largest number receiving outdoor relief in 1848 was 19,651; in 1849, the year after the vice-guardians were appointed, the number was 8,560. That reduction was not evidence of very gross mismanagement on their part as compared with the management of the guardians. Again, when the vice-guardians took the management there was only room for 860 persons in the workhouse; but when they went out of office there was room for 1,810, and the number receiving outdoor relief had been reduced to 778. He would also state that the strongest testimonials had been given as to the fitness of Mr. Robinson for all the duties of the office to which he was appointed. From unavoidable circumstances, he had unexpectedly become a needy man, but there was not less regularity in his proceedings than before; and he (the Marquess of Lansdowne) found no evidence of corruption on the part of that gentleman, and certainly nothing attachable in a court of law to inflict punishment upon him. Under these circumstances, he thought an inquiry into the conduct of the particular persons to whom the statements of the noble Marquess related, would not be attended with any beneficial results. The noble Marquess, however, had referred to a speech made by the noble Lord at the head of the Government in 1836, and seemed to think that the noble Lord had said that no more than 260,000*l.* should be levied in Ireland in the shape of a poor-rate; but he thought it highly improbable that the noble Lord should have undertaken to give any such limit to the amount of the rate. Something might have been passing in the mind of the noble Lord as to the probable amount; but that the noble Lord, or any other Minister possessed of the greatest foresight and knowledge of the future, should have said, that under the pressure of famine, or any other circumstances, a certain limit would not be exceeded, would have been more than he or any other Minister would have undertaken in that or the other House. But, that there should be a constant effort made to bring back the poor-law of Ireland to the principle of the poor-law here, and that its administration should be watched, and, if possible, corrected, he was as anxious as the noble Marquess could be. He believed that great progress had been made towards bringing back the law to the test of indoor relief, and that great reduction had been made in outdoor relief. Every preparation was now made to increase that progress; and in every instance in which it had been practicable to extend the test of indoor relief it had been attended with the almost instantaneous result of reducing the expenditure and the number of paupers. He thought that the inquiry asked for by the noble Marquess would not be beneficial, and he, therefore, hoped their Lordships would not agree to the Motion.

LORD STANLEY confessed he had listened with some surprise to the answer which had been given by the noble Marquess opposite, and to the very light and almost contemptuous manner with which he had treated the allegations in this petition. He had said, there might be some little negligence and some trifling profusion on the part of the vice-guardians, but that, on the whole, their administration had been productive of service. He did not deny there was some profusion; but remember, said the noble Marquess, that the charge equally applied to the elected as to the appointed guardians. He (Lord Stanley) thought they were bound to draw a distinction, which the noble Marquess did not draw, between the necessity for an investigation into the conduct of vice-guardians appointed by the Government, and into the conduct of guardians appointed by the persons out of whose properties the rates were levied. The control over the local guardians in the ordinary course of law was vested in the ratepayers themselves; whereas the control over the vice-guardians, who were appointed by the Government, rested not with the ratepayers, but with Parliament, who were entitled to see whether those instruments had been properly selected or not, and whether or not they were fit to discharge their duties; and it was for Parliament to make those who appointed them responsible for the consequences of their acts. Not one of the facts of the case put forward in the petition had been denied, with one exception—the charge against Captain Wynne, which they now heard denied for the first time, but which the Government was challenged to inquire into, and which was ready to be deposed to by unexceptionable witnesses. With regard to the charge, the noble Marquess near him (the Marquess of Westmeath) had personal knowledge that the charge could be substantiated by the most unexceptionable testimony. This petition had been lying on their Lordships' table for a considerable time. It was notorious for six weeks that such a petition was about to be presented, and that such a resolution was agreed to by the board of guardians; yet now they were informed for the first time that Captain Wynne was beginning to think it was necessary to take some steps to vindicate his character, and was in communication with his law adviser as to whether it would be desirable to institute an action for libel against the parties by whom he had been charged. The mere fact, however, that he was in communication with his legal adviser to ascertain whether it would be desirable or not to determine to bring an action—

The MARQUESS of LANSDOWNE: He has determined.

LORD STANLEY: Oh then he has gone one step further, he has determined to bring an action. Would the noble Marquess say when he determined to bring it? Was it since notice was given to bring this case before the House of Lords? Sufficient time had elapsed for him to have brought forward this case if he had thought fit, and there was no reason in the course he had taken why their Lordships should not inquire into the conduct of Captain Wynne, as laid down in this petition, before a Committee of their Lordships' House. It might be said that if this charge were established against him, he might not be liable to any legal consequences; but he (Lord Stanley) was not so sure of that. The case was this—contrary to the earnest entreaties and remonstrances of the relieving officer, he, the inspector appointed by the Government, compelled the relieving officer to place a woman of notoriously bad character on the list, who was not in need of relief, but with whom that officer was said to be cohabiting. He would say that such a charge brought forward against an officer, and offered to be substantiated before a Committee of their Lordships' House by evidence on oath, was not one that was to be passed over in the light trivial way in which the noble Marquess had treated the case.

The MARQUESS of LANSDOWNE: I must say that I attach the greatest importance to that charge.

LORD STANLEY: Then he would pass over that charge, and take up those to which the noble Marquess did not attach importance—those trifling instances of profusion, and the vice-guardians not being quite so accurate as they should be in the administration of affairs. He (Lord Stanley) did not wish to throw a general censure on the vice-guardians, who were appointed by the authority of the Government. He was not desirous of saying that there might not be instances of profusion on the part of previous guardians. He was not going to say that many unions had not got into disorder, in which it was necessary to have substitutes for the elected guardians appointed; but he would refer to a paper that had been furnished by Her Majesty's Ministers, which did not lead him to think that on the side of economy matters had improved while affairs were conducted by the vice-guardians. This was a return from thirty-five unions for a period varying from one year to twenty-one months, during which they were under the control of vice-guardians, and he found that only in five, or six, or seven, or eight of those unions, the expenses had been reduced; while the total amount of liabilities in those thirty-five unions under the administration of the vice-guardians had increased from 111,021*l.* to 233,744*l.* In addition to having so doubled their liabilities, those unions had received out of the rate in aid, a sum of not less than 164,532*l*. That was a paper furnished by Her Majesty's Government, and contained an exemplification of the economical working of the poor-law under vice-guardians. There had been an augmentation of liabilities in thirty-five unions of 100 per cent, with an addition of 150 per cent besides supplied to those unions out of the rate in aid contributed by other unions in Ireland. What was also the case? 60,000*l*. was the total valuation of the union of Carrick-on-Shannon—45,000*l*., three-fourths of the whole valuation of the union, had passed through the hands of this board of vice-guardians, uncontrolled by the local ratepayers, in a period of twenty-one months; and at the period of quitting office they insisted upon levying a further rate of 15,000*l*.—that was, 5*s*. in the pound on the valuation of the union, in addition to 15*s*. in the pound, which they had previously spent in twenty-one months. If the Poor Law Commissioners were responsible for anything, it was for the character of the persons they appointed. He knew nothing of Mr. Robinson, whom the noble Marquess opposite had described to be a needy man. That might be some excuse, but afforded little satisfaction to the ratepayers, who lost by the default of Mr. Robinson, or to the tradesmen, who were ruined by the non-payment of Mr. Robinson's bills, which they contracted on the faith of his being an officer appointed by the Government. But Mr. Robinson had the misfortune, with many of his neighbours in Ireland, in consequence of the measures of Government, to be a needy man, and he ran a bill with the same persons who were contractors for the union. He was processed by five of those persons at the expiration of the time of his service, and he finally quitted the place in which he was appointed on the responsibility of the Government, and did not pay the tradesmen. That was not a case of trifling profusion or slight negligence—that was a case of gross misconduct on the part of a Government officer. It appeared that to such an extreme state of disorganisation had the workhouse arrived, that the inspector attended the board, and recommended a general clearance of all the officers save the clerk; and 196 persons were found to be on the registrar, but not in the house, for whom rations were regularly drawn for a period of six months under the vice-guardians. It was further stated that 4,000 quarts of milk per week were paid for during the four weeks of October for the supply of the house, in which there were 1,637 persons, 335 of whom were infants; yet, when in the last week of October those guardians were superseded, there was not a sufficient supply of milk for the persons in the house. It also appeared that the contractor for fuel was in the habit of charging the ton as 28 cwt., and that 4,372 articles were found to have been abstracted, or were wanting, of which there was no account. Was that only a slight case of negligence? The straw in the beds of the paupers had not been changed for a period of seven months, though he had no doubt that hundredweights of straw were charged for to the ratepayers. It was no wonder there was an accumulation of filth, and from this gross and flagrant neglect that there was an increase of sickness. Yet the noble Marquess opposite said, it was not a case for a Committee to inquire into. The clothing that was left was found to be all rotten; it was mixed up with the paupers' rags. They were compelled to burn it to avoid infection, which imposed an additional charge on the union; and all this occurred under the superintendence of officers appointed by the Government. Their Lordships, he conceived, would not do their duty if they did not consent to an inquiry into the conduct of those vice-guardians. He wished to notice one point mentioned by the noble Earl, with regard to the sale of property in Ireland. They might rely upon it, that if all the causes which deterred capitalists from coming forward to invest their money in the soil of Ireland—if all the causes which tended to paralyse the exertions of the inhabitants, and rendered it impossible that the efforts—almost superhuman—that were required to raise Ireland from her present condition, could be made, the most fatal in effect was the lax administration and the possibility of an indefinite extension of the poor-rates. He rejoiced that the principle of diminishing the area of taxation had been sanctioned by the Boundary Commissioners, because he believed nothing more likely to induce purchasers and tenants to occupy or cultivate the land in Ireland than a knowledge that they would have it in their own power to prevent that indefinite extension; but as that must greatly depend upon those who had the local administration of affairs, it ought to be shown, if it were possible, that the vast expenditure incurred in Ireland had not all been occasioned by the increase of pauperism, or been incurred with the consent of those in whom the power was now vested; and if it were proved that a large proportion of the excessive outlay arose from gross neglect and gross fraud, the unwillingness to purchase Irish property would doubtless considerably diminish. But if this were the case, it was most important that the facts should be made known, and the delinquent officials held up to public judgment and public censure; and it was no excuse for declining to enter into an investigation of the facts, which were not attempted to be denied—to say either that such cases were common—(that he did not believe to be correct either in Ireland or elsewhere, to an extent comparable with the grievances and hardships in question), or to say that the parties no longer held office, and therefore that neither they nor the Poor Law Commissioners who appointed them, nor the Government who sanctioned such appointments, ought to be held responsible for the consequences, not, as had been said of any mere profusion or extravagance, but, he maintained, of a gross and culpable neglect of duty.

The Marquess of LANSDOWNE observed, that his only reluctance in acceding to the Motion was, that the persons against whom the charges were made were no longer in office; but the noble Lord having given his mind to this subject, and having said that charges of gross misconduct and acts of corruption could be proved against certain parties, he (the Marquess of Lansdowne) begged distinctly to state, that he was the last man who would attempt to screen any public officer from the consequences of any charge of that kind. He was therefore quite prepared to withdraw his opposition to the Motion, and to assent to a Committee to inquire whether any proceedings ought to be taken against the parties. It was only just to state, that all he had heard of Captain Wynne was of a favourable character, and he believed that the moment that gentleman was made acquainted with the kind of charge made against him—which was not till he had ceased acting as inspector—he gave instructions to his attorney to institute proceedings for the purpose of vindicating his character in a court of justice.

Lord STANLEY, after the consent given by the noble Marquess to this inquiry, wished to guard himself from misconstruction, by saying that he had no knowledge of this case beyond the allegations contained in the petition, and supported by the personal authority of the noble Marquess who presented it; and, therefore, all that he meant to commit himself to was, that if these allegations were well founded—and it was into the truth of these that the inquiry should take place — the charges, in his judgment, amounted to a degree of neglect of duty involving corruption and fraud. He was glad the noble Marquess had consented to the investigation; and if he (Lord Stanley) were thought, in the heat of the debate, to have used any undue warmth, he hoped it would be attributed to his anxiety that that House should not make itself a party to passing over, as mere ordinary neglect, charges of so grave a character.

The Marquess of WESTMEATH said, that the noble Marquess was not justified in vouching for Captain Wynne to the extent he had done, for the very person who made the charge against Captain Wynne, in June, 1848, avowed, in the presence of Captain Wynne himself, that he did so, and that he was prepared to substantiate the charge before any tribunal. The noble Marquess had taken great credit to the vice-guardians for the increase of workhouse accommodation; but the fact was, they did not deserve the slightest credit in the matter. The fact that there had been eight executions in the workhouse, at the suit of different tradesmen, was of itself a sufficient sample of their management. If the House would permit him, he would move on Monday for the production of the correspondence.

On Question, Resolved in the *Affirmative.* The Committee to be named on Monday next.

House adjourned to Monday next.

HOUSE OF COMMONS.

Friday, April 19, 1850.

Minutes.] Public Bills.—1° Mercantile Marine (No. 2).
2° Technical Objections Restraining.

THE NATIONAL LAND COMPANY.

Sir B. HALL rose, pursuant to the notice he had given on the preceding evening, to call upon the hon. and learned Member for Nottingham for an explanation of the allusion he had then made to him (Sir B. Hall).

Mr. F. O'CONNOR rose, but—

Mr. SPEAKER intimated, that he had thought it right to interfere on the last occasion, when he heard that the question about to be asked by the hon. and learned Member related to a private and not a public circumstance, and that being so, the matter of it was not within the cognisance of the House.

Mr. F. O'CONNOR said, the only explanation he could give was, that what he had said had arisen from a letter he had received, and which he now had with him, and the purport of which he would communicate to the hon. Baronet, if he chose to have it. It appeared that the hon. Baronet was allowed to put questions to him (Mr. O'Connor), but that he was not permitted to ask any in return. However, he bowed to the decision of the Chair.

Mr. SPEAKER said, he was not aware that the hon. Baronet had put any questions to the hon. and learned Member which were not strictly in accordance with the rules of the House. The question the hon. Baronet had asked related to the decision of a Committee in regard to a Bill to be brought before the House; while the question put by the hon. and learned Member did not relate to a matter in the cognisance of the House.

Sir B. HALL said, he should certainly bow to what he believed to be the feeling of the House, and not be influenced by anything which had taken place previously, and if he had shown any pugnacity on the previous day, it would, he hoped, be considered excusable. He thanked Mr. Speaker for stating, that he had never put a question to the hon. and learned Member except on matters of a public nature; and he assured the House that he never would make that place, in which they were assembled for public purposes and objects, the scene of any personal discussion. Proceeding in the exercise of duty which he had chalked out for himself, he begged to give notice—bearing in mind the statement of the hon. and learned Gentleman on the previous evening, that he had consulted a professional person as to the course which he should take in reference to the introduction of the Bill which had been so often alluded to—that he should ask the hon. and learned Gentleman when he intended to move for leave to bring in a Bill for the purpose of winding up the affairs of the National Land Company, and whether he intended the Bill to be a public or a private one; but he would not put this question until Tuesday, the 30th of April.

Mr. F. O'CONNOR said, that if the hon. Baronet chose he would answer the question at once. He had told the hon. Baronet yesterday, not that he had consulted, but that he was going to consult Mr. Walmsley to-day. He had consulted that gentleman, and was advised that, before he could move for leave to bring in a Bill, he must give notice three times by advertisement in the papers circulating in the counties where the property was situated, as well as in the *Gazette*. Perhaps the hon. Baronet was not aware that the question had been for some time before the Court of Queen's Bench, whether the Registrar General was bound, under the Act, to register the company. These proceedings had cost him a great deal of money. The hearing was to take place on Wednesday or Saturday next; and, if the Court decided that the Registrar ought to have registered the company, then there would be no difficulty in winding up the affairs under the Joint Stock Companies Act; but if the decision was the other way, then it was his intention to hand over the property to three trustees, in order that the people might have the entire advantage of the money they had invested, and then to petition the House for leave to bring in a private Bill to wind up the affairs of the National Land Company. He hoped this explanation was satisfactory to the hon. Baronet.

Sir B. HALL: I am very glad to hear it.

Subject dropped.

AUSTRALIAN COLONIES GOVERNMENT BILL.

The House in Committee on the Australian Colonies Government Bill; Mr. Bernal in the Chair.

Clauses from 1 to 4 were agreed to.

Clause 5.

Sir W. MOLESWORTH said, he had only one word to say with regard to this clause. In this clause and in Clause 11 it was proposed to continue the Act of the 5th & 6th Victoria, which contained a number of provisions, and amongst them one which empowered Parliament to interfere in the affairs of the colony. It would be inconvenient to enter into a discussion at the present moment, and he would not prevent the Committee going into the next clause.

Clause 6.

Sir W. MOLESWORTH:* I beg leave to move that all the words in this clause, after the words—

"'And be it enacted that,' be omitted, for the purpose of inserting these words, 'there shall be established, in the Colonies of Van Diemen's Land and South Australia respectively, a Legislative Council and a House of Assembly.'"

If this Amendment be carried, I should propose other amendments, by which the two chambers would be made elective.

In proposing this Amendment I need scarcely observe that at the present moment the colonies of Van Diemen's Land and South Australia do not possess representative institutions, but are governed by a legislative council, all the members of which are nominated by the Colonial Office. I may assume that we are agreed that that form of government shall be changed, and that these colonies shall possess representative institutions. The question is, what is the best form of representative government for these colonies to commence with? The Colonial Office, loath to part with all its powers of nomination, proposes that they shall begin with a single chamber, of which one-third of the members shall hold their seats at the will of the Colonial Office. On the other hand, I propose that they shall begin with two chambers, both of which shall be elected by the people. The question, therefore, is simply between election and nomination, and between two chambers and one chamber. On a former occasion this question was fully discussed; every hon. Gentleman who spoke was decidedly of opinion that in theory two elective chambers are preferable to one partly-nominated chamber, therefore it would be a waste of time to reargue the general question; and I will merely examine the special reasons which have been assigned for not establishing two chambers in the Australian colonies, and consider whether they are or are not valid with reference to Van Diemen's Land and South Australia.

The Committee decided the other night that New South Wales and Victoria shall continue to possess their present form of government. It was then asserted that New South Wales and Victoria are well satisfied with their present form of government, and preferred it to any other form; therefore, that it would be an arbitrary and unjust measure to alter it without their consent. I do not affirm that this argument is without force with regard to New South Wales and Victoria; but it is evidently inapplicable to Van Diemen's Land and South Australia, for it is agreed on all sides that their present form of government ought to be changed. The question, therefore, is, whether it ought to be changed to that of New South Wales, or to that form which every hon. Gentleman admits to be a better one in theory. To answer this question, I ask, first, what are the opinions of the highest colonial authorities on this matter?

The Committee should bear in mind that this Bill was brought in last year, and that one of the chief reasons assigned for postponing it was, that the delay would enable us to receive information from the Australian colonies in reply to the report of the Committee of Council which had been sent out to them. Now, within the last few days very important information has been received, to which I must call the attention of the Committee, and especially, I must refer to a despatch from the Governor of Van Diemen's Land, Sir W. Denison, who has always been quoted by the Colonial Office as high authority in these matters. In that despatch, dated the 28th December last, Sir W. Denison gives his deliberate opinion on this Bill, and expressed his decided condemnation of that part of it which is now under consideration. I will state the substance of that part of his despatch. Sir W. Denison says—

"I have been made aware that Her Majesty's Government intend to bring this Bill forward again early in the next Session of Parliament. I think it, therefore, my duty to point out to your Lordship such of the provisions of the Bill as would work unsatisfactorily. I have no very accurate means of arriving at the opinion of the body of the community; indeed, I might almost say, that the satisfaction with which almost any measure conferring a representative system of government would be welcomed would go far to prevent any deliberate discussion of its provisions. As regards my own views, I observe that the Committee of the Privy Council gave their sanction to the principle of a second chamber, but have recommended that, in the Australian colonies, the system of New South Wales, where legislation is entrusted to a single body, partly nominated, should be generally adopted. It would be undesirable to press a reform upon an unwilling or even indifferent people; but I doubt very much whether the evidence in the possession of the Government is sufficient to prove that the people of New South Wales are unwilling to adopt such a change in the form of the existing government. Indifferent they may perhaps be, but in that case I would submit that the welfare of the three colonies, now about to be called into political existence, might be allowed to outweigh the mere indifference of the people of New South Wales."

In reply to the common argument of the Colonial Office, that the legislatures of these colonies will have power to amend their institutions, Sir W. Denison says—

"I am afraid that the remedy proposed by the Committee of the Privy Council, namely, that of vesting a power in the legislatures of the different colonies, of amending their constitutions, by re-

> solving either of their single houses of legislature into two, will hardly meet the evil. A single house of assembly will always attempt to assume to itself a portion of the power of the executive. The proceedings of the Legislative Assembly at Sydney, during the last session, will afford ample evidence of this tendency. When, therefore, a body thus constituted has once found itself in the possession of power, it is not all probable that it will originate, or carry out, a change which will in effect diminish its power, and tend to deprive each individual composing it of a portion of the importance which attaches to him as a member of such a body."

Next, in reply to the favourite position of the Colonial Office that all the Australian colonies should have the same institutions, Sir W. Denison says—

> "I would submit also that, if each colony be empowered to alter its constitution, the reasons which have induced the Committee of Council to recommend that all should have governments constituted upon the same model, would seem to have but little weight, as a change on the part of any of the four would at once destroy the uniformity."

And, lastly, Sir W. Denison says—

> "My opinion remains unchanged by anything that I have heard or read since I last addressed your Lordship on this subject. Every additional day that I remain in this colony serves to add to the strength of my conviction that it would be most desirable, when the change in the form of the government of this colony does take place, that a Second Chamber should be constituted at once by the authority of Parliament. Such a chamber, however, should differ from those which did exist in the North American colonies, inasmuch as a large proportion of the members should be elected, or otherwise rendered independent of the Government, and they should hold their position for a long period, if not for life."

Nothing, therefore, can be more positive than Sir W. Denison's opinion against this portion of the Government Bill, and in favour of the two chambers.

A despatch has also been received from the Governor of South Australia, Sir Henry Young, in which he writes, Nov. 16, 1849:—

> "An intelligent, highly respectable, and influential member of the local legislature, having given notice of a resolution on the subject of the new constitution to be established in the Australian colonies, it appears expedient that I should at once forward it to your Lordship, especially as the general question is likely to engage the attention of the Imperial Parliament early in the Session of 1850."

Sir Henry Young refers to that resolution as containing comprehensive and important propositions, and says—

> "Succinctly they may be described as a proposed transference to South Australia of those political and social institutions of Great Britain, by which the useful grandeur and glory of the empire have been gradually and progressively enlarged and strengthened, and preserved."

I will not trespass upon the patience of the Committee by reading the resolution, because I read the substance of it when I asked a question concerning it the other night, from the hon. Gentleman the Under Secretary for the Colonies. On that occasion the hon. Gentleman treated the resolution as of little importance. He referred to it merely as the resolution of an individual, and he stated that the Governor had ordered it to be published in the Government *Gazette* inadvertently. The hon. Gentleman made that statement at the very time when this despatch from Sir Henry Young was in his possession.

MR. HAWES: No, no!

SIR W. MOLESWORTH: I beg the hon. Gentleman's pardon, he will find it really is so, if he will look at the dates.

MR. HAWES: It was long before the despatch was received.

SIR W. MOLESWORTH: Long before the despatch was received! Why, this despatch from the Governor was received at the Colonial Office on the 26th of March, and my question was put to the hon. Gentleman last Tuesday week. However, it is quite clear the resolution was not published by inadvertence, because the Governor directed it to be published in the Government *Gazette*—a proceeding which Lord Grey considers to be so unusual that he has reprimanded Sir H. Young for his conduct. This proceeding, coupled with the language of this despatch, can leave no doubt that Sir H. Young disapproves of the Government Bill. I am therefore, entitled to assert that the Governors of Van Diemen's Land and South Australia are opposed to the single partly-nominated chamber of New South Wales.

I again beg the Committee to bear in mind that this Bill was postponed last year in order to obtain information from these colonies. Therefore, it would be absurd if, after receiving that information, we were to proceed to legislate in direct opposition to it, unless the most valid reasons can be assigned for so doing. Can such reasons be assigned? If they exist anywhere, I presume they are to be found in the reply of Earl Grey to Sir W. Denison, which has been printed with these papers. That reply contains the general arguments used by the Colonial Office in favour of the single partly-nominated chamber, and in opposition to two elective chambers. The arguments may be summed up under the heads:—1. That political science is good for nothing. 2. That the system of New

South Wales has worked well, and is, therefore, adapted to all the Autralian colonies. 3. That all the Australian colonies ought to have the same institutions. 4. That, in the event of any of them being dissatisfied with their institutions, they will have power to change them. 5. And lastly, that there are not materials for two elective chambers.

First, the Colonial Office maintains that the successful working of a constitution depends more upon its being adapted to the wants and circumstances of a community, than upon its being framed upon the abstract principles of political science. No one denies that the constitution of a community ought to be adapted to its circumstances; but if the principles of political science be true, a constitution framed in accordance with those principles, would be adapted to the wants of the community for which it was framed, precisely in the same manner as a coat made upon the true principles of coat making, would fit the form of the human body for which it was made. Therefore the proposition of the Colonial Office really denies the existence of political science. It is the well-known fallacy by which the empiric and the charlatan invariably defend their nostrums in opposition to the rules of science. The nostrum of the Colonial Office for the Australian colonies is the single partly-nominated chamber. Now, every one acknowledges that such an institution is not only in opposition to the principles of political science, but to the universal experience of Anglo-Saxon communities in every portion of the globe.

Next it is said that a single partly-nominated chamber has worked well in New South Wales, and, therefore, that it is, practically, the best form of government for the Australian colonies generally. The system of New South Wales has only been in existence for seven years. Has it worked well during the whole of that time? Certainly not, if Lord Grey be any authority in such a matter; for on the 31st of July, 1847, Lord Grey wrote to the Governor of New South Wales these words:—

> "It does not appear to me that the practical working of the last system—that of New South Wales—would by any means justify the conclusion that it is an improvement upon that of two houses, which it was formerly the practice to adopt. On the contrary, I see many reasons for belief, that the more ancient system by which every new law was submitted to the separate consideration of two distinct houses, and required their joint consent for its enactment, was the best calculated to ensure judicious and prudent legislation."

The Colonial Minister ought to be the highest authority in these matters. If he be so, it follows that the system of New South Wales is not the best calculated to insure judicious and prudent legislation in Van Diemen's Land and South Australia.

The system of New South Wales is at variance with a fundamental maxim of the British constitution; for, according to Blackstone, one of the great primary rights of the subject is, not to be taxed without the consent of his representatives—that is, without the consent of the majority of his representatives. Now, with a single chamber, of which one-third of the members are appointed by the Executive, the Executive can always, with the aid of less than one-third of the elective members, carry any measure in opposition to the wishes of more than two-thirds of the representatives of the people, and, therefore, can tax the people without the consent of their representatives, which is evidently a most unconstitutional proceeding. I assure the Committee that this is not an imaginary danger. The tendency of every Executive, and especially of a Colonial Office Executive, is towards excessive expenditure, and, therefore, towards excessive taxation. In 1848 our income tax would have been increased to 5 per cent, and there would have been no reduction of expenditure, if the Executive could have commanded a majority in this House; and it would, without doubt, have commanded a majority, if the third of this House, namely, 220 Members, had been nominated by the Executive. In New South Wales, in consequence of the power of the Executive in the Legislative Council, the expenditure of that colony, in proportion to the population, is very great. In 1846 it amounted to 28*s.* per head of the population; or twice the annual average rate of expenditure per head of the population in the colonies which possess representative institutions; or four times the rate of expenditure in Canada, where the people have the greatest control over their expenditure. It is a fact which I have never heard disputed, and which I proved to the House at great length two years ago, that the rate of expenditure of a colony per head of the population depends chiefly upon the form of the local government. It is greater or less in proportion as the Colonial Office has more or less to do with it—

that is, in proportion as there is more or less Colonial Office nomination. For instance, in 1846, in the colonies in which there were no nominees in the House of Assembly the rate of their expenditure was 14*s.* per head of their population; in those colonies which were governed entirely by nomination the rate of their expenditure in 1845 was about 34*s.* per head of the population, or 20*s.* per head more than in the colonies without nominees in the House of Assembly. The greatest rate of expenditure of a colony was in Van Diemen's Land, entirely governed by nomination, where it amounted, in 1844, to 86*s.* a head of the free population; and the smallest was in Canada, where it amounted to about one-twelfth of that sum, or 7*s.* per head. This fact shows the extreme effects of the two existing systems of nomination and election with regard to the economical government of a colony. Between these two extremes stands the mongrel system of New South Wales — a cross between nomination and election. In virtue of election, the rate of expenditure of New South Wales was one-third of that of Van Diemen's Land; in virtue of nomination, it was four times that of Canada. It might be unfair to ascribe the whole difference in the rate of expenditure between New South Wales and Canada entirely to nomination; but it must be acknowledged, that at times the Executive does carry measures in New South Wales against the wishes of the majority of the representatives of the people, which cannot be done by the Executive in Canada. A case in point was cited the other night by the noble Lord the Prime Minister. The noble Lord rejected as worthless, and of no authority, a resolution which was carried in a full meeting of the Legislative Council of New South Wales, on the ground that it was carried against the wishes of more than two-thirds of the representatives who were present. He, therefore, treated it as invalid. But if that resolution had been a tax ordinance, or one for the expenditure of money, it would have been but too valid for taking money out of the pockets of the people of New South Wales. Therefore I may affirm that the practical working of the system of New South Wales does not prove that it would be the best calculated to insure judicious, prudent, and economical government in Van Diemen's Land and South Australia.

It is said, that the question of a single chamber partly nominated has been settled with regard to New South Wales, and, therefore, ought to be considered to be settled for all the Australian colonies; for it is argued that these colonies form one system, and are so close together that they ought to have identical institutions. It appears to me that the hon. Gentlemen who use this argument fancy that the Australian colonies are as close together as British counties. I assure them it is not so. Hobart Town, the capital of Van Diemen's Land, is about 700 miles from Sydney, the capital of New South Wales—that is, as far as from here to Milan. Adelaide, the capital of South Australia, is about 650 miles from Sydney. Perth, the capital of Western Australia, is about 1,700 miles from Sydney, or further than from here to Constantinople. Our five Australian colonies of Van Diemen's Land, New South Wales, Victoria, South Australia, and Western Australia, cover as large a portion of the earth's surface as is covered by Great Britain, France, the whole of Germany, the whole of the Austrian Empire, and all Turkey in Europe; and the five capitals of these colonies—namely, Hobart Town, Sydney, Melbourne, Adelaide, and Perth, are as distant from each other as Edinburgh, Paris, Hamburg, Vienna, and Constantinople are from each other. Therefore, supposing for one moment that proximity in space were a valid argument in favour of identity of institutions, every hon. Gentleman who will rub up his Australian geography will perceive the absurdity of that argument on the present occasion. Suppose, however, that we were to start all these colonies with the same institutions, is it not said that we are to give them power to alter and amend their institutions? If this power is to be a reality and not a sham, they will have power to make their institutions differ as soon as they think proper; and the worse the first institutions are, the sooner the colonists will endeavour to alter them. Then, what will become of the absurd identity of institutions argument? Is it to be enforced by the Colonial Office? Are the colonies not to change their institutions, unless they are all prepared to do so at the same time and in the same manner? Therefore the argument that all the Australian colonies must have the same institutions may be rejected as absurd and futile.

It has been repeatedly urged, in favour of the partly-nominated chamber, that this Bill contains a provision to which I have just alluded, and which it is said will empower the colonial legislatures to change their institutions. Great stress has been laid upon that provision; it is supposed to be the embodiment of every liberal principle, and to contain an irrefutable argument in favour of the partly-nominated chamber. On a previous occasion the noble Lord the Prime Minister asked how any hon. Member of liberal principles could object to any part of a Bill which contained so liberal a provision. That question was loudly applauded; yet a more inconclusive argument never misled liberal Members tovote against liberal principles. For what has it to do with the question between two elective chambers, and one partly-nominated chamber? Whichever alternative be adopted, can we not give to the legislature of a colony the same power of changing its institutions, whether that legislature consist of two elective chambers, or of one partly-nominated chamber? But for what purpose do we propose to give to the legislature of a colony the power of changing its institutions? Without doubt, in order that the institutions of a colony may be in accordance with the wishes of its inhabitants. Now, is this result more likely to be obtained, and are the wishes of the inhabitants of a colony more likely to be consulted by a single chamber, of which one-third of the members shall be Colonial Office nominees, or by two chambers, all the members of which shall be elected by the people? I ask liberal Members to answer this question distinctly. I ask them, likewise, what is the power of change which is to be given to the colonial legislatures by this much-vaunted provision? It seems to me that it will be more the sham of power than the reality of it. The reality of power will be given to the Colonial Office, for the Colonial Office will have power to prevent the colonial legislatures from making any changes in their institutions without its previous consent. Therefore, this provision will only add to the despotic powers of the Colonial Office. I call the Colonial Office a despot, because, in constitutional language that ruler is a despot who is irresponsible to those over whom he rules. The Colonial Office is irresponsible to the people of the colonies. It is said to be responsible to us, but that responsibility the colonists look upon as a farce. For they say that we know nothing and care nothing about them; that we vote with blind confidence in the Colonial Office; that the Colonial Office is unworthy of our confidence, for ignorance, negligence, rashness, caprice, and indiscretion, are the characteristic features of that Office. Witness, say they, its late conduct with regard to New Zealand, New South Wales, Ceylon, and the Cape. I propose, in opposition to the Colonial Office plan, that the Australian colonies shall have power to make certain changes in their institutions without the consent of the Colonial Office, provided that two-thirds of the whole number of members of both houses of legislature agree for two years consecutively on the alterations to be made. This provision would guard against hasty and ill-considered change, without the arbitrary interference of the Colonial Office.

The last argument which I have to refute is that which is commonly used by very many Gentlemen who readily acknowledge that a legislature composed of two elective houses is a far better and more perfect form of government than a legislature composed of a single partly-nominated chamber. This position has been most clearly, distinctly, and emphatically admitted by Earl Grey; and the noble Earl also admits that the Australian colonies must ultimately possess two elective chambers; but, say the noble Earl and his adherents, Van Diemen's Land and South Australia are not fit at present for so perfect a form of government, because those colonies do not contain the materials for two elective chambers. I call upon them to prove that position. I ask, are the materials wanting in consequence of the smallness of the population of these colonies, or in consequence of the particular character of that population? Or, in other words, is the population of these colonies too scanty to admit of two elective chambers, or is it morally and intellectually unworthy of possessing so perfect a form of government? I answer, in 1847, the population of Van Diemen's Land, exclusive of the military, and of all persons who had been transported, amounted to 32,000 souls; and in 1848, the population of South Australia amounted to 38,000 souls. Now, the experience of the United States proves that an ordinary Anglo-Saxon community with the population of these colonies contained sufficient materials for two chambers.

I wish to call the attention of the Committee to the famous ordinance of Congress, passed in the year 1787, for the government of the territory of the United

States north-west of the river Ohio. This ordinance, says Mr. Story, has been, in most respects, the model of all the territorial governments of the United States, and it is remarkable for its masterly display of the fundamental principles of civil and religious liberty. It provided, that as soon as a territory contained 5,000 male inhabitants, of full age, that is, a population of about 20,000 souls, it should have a legislature, to consist of a governor, nominated by Congress, and a legislative council, and a house of representatives, both to be elected by the people; and that there should be one member of the house of representatives for every 500 male inhabitants of full age; that is, for about every 2,000 souls. The principles of this ordinance have worked admirably. Since 1787, seventeen territories and States have been constituted and added to the American Union, and those States and territories contained, in 1840, a population of 6,500,000 souls. Every one of these communities, and in fact every one of the thirty-four States and territories of the American Union, is governed by two houses of legislature, and in almost every one of them the upper house, or senate, is constituted in the same general manner. The senate, compared to the house of representives, is almost always a smaller body, composed of older men, representing larger districts, holding their authority by a tenure of longer duration, and elected by rotation. The objects of such a senate, according to the renowned authors of the *Federalist*, the highest constitutional authority in the United States, were to guard—

> "against the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions;" to supply the "want of due acquaintance with the objects and principles of legislation; and to prevent mutability in public councils."

And no one can deny that in the Federal Union, and also in the States of the Union, the senates have accomplished the objects for which they were constituted, and have deserved and gained the confidence and respect of the people.

It is evident, that if Van Diemen's Land and South Australia belonged to the American section of the Anglo-Saxon race, they would have been treated as Illinois was in 1809, or Wisconsin in 1836, or Iowa in 1838, when these territories were not more populous than Van Diemen's Land and South Australia now are; and, consequently, these colonies would have possessed a house of representatives containing from eighteen to four-and-twenty members, and a senate containing from nine to twelve members; and the senators would have been elected by rotation, and for about twice the period of the members of the house of representatives. I ask, why do we refuse these institutions to our Australian colonies? Experience proves that they are well adapted to Anglo-Saxon communities of a similar size in America. It is said, however, that the inhabitants of our Australian colonies are morally and intellectually inferior to the inhabitants of the backwood territories of the United States. Does that inferiority exist? And if it do, whence does it arise? If it do exist, it arises from the difference between the American mode of colonisation and that of the Colonial Office. For American colonisation consists of the migration westward of a portion of the people of the United States—a portion of all classes migrate—they carry with them in reality, and not as a legal fiction, the laws, the rights, and the liberties of American citizens. They are fit for self-government, and will have it. Also the best portion of the emigrants from England go to the backwood States, and compose a large portion of the population of Wisconsin, Michigan, and Iowa. In fact, an Englishman, when he emigrates to the United States, carries with him in reality all the laws, rights, and liberties of an Englishman; but if he emigrates to our colonies, on touching colonial soil, he loses some of the most precious of his liberties, and became the subject of an ignorant and irresponsible despot at the Antipodes. Now, Colonial Office colonisation consists in the transportation of convicts and the shovelling out of paupers. Therefore it is said that such immoral, degraded, and unintellectual beings are only fit to be governed by the nominees of the Colonial Office; and on that plea of its own making, the Colonial Office calls upon us to refuse these colonies two elective houses. I challenge the Colonial Office to substantiate that plea. It is undoubtedly an extraordinary fact, that any respectable man, that any person of birth or education, should emigrate to a colony to be governed by the Colonial Office. Nevertheless, they do emigrate, and I maintain from many circumstances known to me, that amongst the 32,000 inhabitants of Van Diemen's Land, and the 38,000 of South Australia, there are as many moral and intellectual persons as in any ordinary Anglo-Saxon community, of the same size, in the back woods of America. I challenge the Colonial Office to prove the contrary; and I maintain that there are materials in these colonies for two elective chambers. And, in fact, by this Bill the noble Lord admits that there may be materials in these colonies for a legislature composed of four-and-twenty members. I will content myself with that admission, and will propose that my two elective houses shall consist of not more than four-and-twenty members in all. Therefore if there be materials in these colonies for the noble Lord's single chamber, there will also be materials for my two elective chambers; unless the noble Lord maintain that the Colonial Office may with propriety appoint, as its nominees, men inferior in station, intellect, and character to the class of persons amongst whom the representatives of the people ought to be chosen. I presume the noble Lord will not maintain this position, though it has been frequently acted upon by the Colonial Office. It follows, therefore, that if there be materials for the noble Lord's plan, there will be materials for my plan.

Sir, in conclusion, let me ask the Committee to consider what is the precise difference between the plan of the noble Lord and my plan? The noble Lord proposes that there shall be established in each of these colonies a legislature to consist of not more than four-and-twenty members, and that the number of members, the amount of their qualifications, and the amount of the franchise, shall be fixed by the legislatures now by law established in these colonies. I will propose precisely the same thing, and will suppose, for simplicity of argument, that the number of members will be fixed at twenty-four. Next, the noble Lord proposes that these twenty-four members shall be divided into two classes, of sixteen and eight members respectively. I propose the same thing; but the noble Lord proposes that the eight members shall be nominated by the Colonial Office, and sit in the same House as the sixteen members who are to be elected by the people. On the contrary, I propose that both the eight and the sixteen members shall be elected by the people, and shall sit in different houses. Therefore the question between the noble Lord and myself is simply this, is it likely or not that the Colonial Office would by nomination select out of the materials in these colonies eight men for each colony who would be better qualified to be members of a legislature than those which the inhabitants of these colonies would themselves elect? That is the whole question, stripped of extraneous matter, idle fallacies, and other modes of deception and mystification. This is the question for the Committee to decide. Those who vote with the noble Lord, and against my Motion, will vote for Colonial Office nomination and against popular election—will vote implicit confidence in the Colonial Office, and no confidence in the inhabitants of these colonies, and will vote that our Australian colonists are so morally degraded, and so intellectually despicable, that they ought not to be entrusted with institutions which theory and experience have proved to be best adapted for the government of similar communities of Anglo-Saxon men in every other portion of the globe.

Mr. J. E. DENISON said, that he had a short time before been anxious for the success of this Bill in the shape in which it had been presented, even though the House seemed to be in favour of two chambers. Since that, however, he had had sufficient reasons from the new information which had arrived for changing his opinion. As regarded New South Wales, it was said that the inhabitants of New South Wales were generally satisfied with the institutions they possessed—that it would be unwise and unreasonable to interfere with those institutions with which the colony itself was satisfied—that even if a change was desirable at that time they did not possess sufficient information to guide them in making such change. These reasons did appear to him to be sufficient to justify him in supporting the proposition as originally presented. In the course, however, of the discussion, the integrity of the measure gave way, one of its most important features fell to the ground, namely, the federation principle. They had several Motions before them objecting to that principle, and a despatch from Earl Grey, in which he said himself that the federative principle would be inoperative; and that although at some future period it might be useful, yet for the present it must be put out of consideration. Did the noble Lord at the head of the Government recollect that by the failure of the federative union, the plan for the management of waste lands in the colony would be rendered abortive. By the Bill, the management of the waste lands was vested in the Federative Assembly. The question of the waste lands was one of the deepest interest to the colonies. Now, it was admitted that for the present the Federal Assembly would be inoperative; therefore, as the Bill now stood, no action could be had on the subject of the waste lands at all. Here was a great change since the last discussion of the Bill. The hon. Baronet who had just addressed the House had called its attention to several despatches from the colonies; but he could not have seen one which had come that morning, and which had been laid on the table of the House, and which was much more favourable to his purposes than anything which he had brought forward. He (Mr. Denison) would take the liberty of supplying the deficiency which had occurred accidentally in the hon. Baronet's speech. They had received, not only a despatch from Sir H. Young, but resolutions which were passed in the Legislative Council on Saturday the 15th December, 1849. It seemed that Earl Grey sent out a despatch, calling Sir H. Young to account for having published a proposition of the members of the Legislative Council, and he directed him for the future not to take that course, stating that it would be, in his opinion, several months before the subject would be discussed, and that it was highly inconvenient that a proposal of that kind should be put before the country. But within the period of one month after the despatch had been published, on the 15th of December, the question had been considered, discussed, and passed, and a despatch, containing the resolutions of the Legislative Council, accompanied by the opinion of the Governor, sent to Earl Grey. The resolutions which had passed the council were to the effect, that the legislature should consist of a governor and two chambers. They stated what the upper and lower chambers should be composed of. The lower chamber was to consist of representatives freely chosen by the people, and the upper chamber was to consist of persons to be nominated by Her Majesty's Government for life. [MR. LABOUCHERE: Hear, hear!] He should like to know what was the meaning of the right hon. Gentleman's cheer. He (Mr. Denison) supposed that an upper chamber so composed was not democratic enough for the right hon. Gentleman. That, however, was the proposal of the council. The members of the Legislative Council of South Australia said that there should be two chambers—one to be elected by the people, and the other to be nominated by the Crown for life. They therefore acknowledged that they were not satisfied with the proposed system. The Governor, then, in his despatch, qualified this; he said that he did not concur in the recommendation that the upper chamber should be nominated by the Home Government. He agreed, however, with the council, in thinking that there should be two chambers. There was something important also in the despatch which had been received from Earl Grey since the House last discussed the question. In speaking of the want of information which they had on the subject, he said that it would be still more important in the consideration of this question that the opinion of the colonies should be had. They had on the one hand directions from the Secretary of State for the Colonies, that they should take into consideration the sentiments and opinions of the colonists; and on the other hand the sentiments and opinions of the colonists conveyed in the most perfect form, that it was their belief that in the formation of a legislature it would be to their advantage that they should have two chambers. With regard to the question as to whether they should have one or two chambers, they had the opinions of three governors in favour of the latter. These were Sir W. Denison, Sir H. Young, and Sir C. Fitzroy. They had the opinion of the council that there could be no general system of legislation made applicable to all the colonies; that a price for the waste lands which might suit one colony would not suit all. That with regard to the federal system, it would be inexpedient on account of the great dissimilarity in the pursuits and interests of the different colonies, and the preponderance that the larger would have over the smaller ones. The council could not see any one point in which benefit could be derived by the establishment of such an assembly. He now, therefore, rose to make an appeal to the noble Lord at the head of the Government, to ask him whether, having all this information, he seriously intended to go on with the Bill? He had wished to support the measure in its entirety, if possible; but in the course of discussion, one point after another had given way. The Federal Assembly was virtually given up. With it the land management fell to the ground. It was clear that the colonists had a preference for two chambers rather than one, and it would be a great injustice on South Australia to inflict this Bill upon her. He could not believe that after all that had been talked about consulting the feelings of the colonies, the House would be called upon further to consider the Bill in its present shape.

Lord J. RUSSELL said, if his hon. Friend had given a calmer attention to the circumstances to which he had referred, he would hardly have made the appeal which he had addressed to himself. His hon. Friend made it upon the ground that the people of South Australia had come to a resolution that there ought to be two chambers of Government, and were favourable to the proposal of the hon. Baronet the Member for Southwark. Now, what had happened was this. With the exception of New South Wales, there was not in these colonies any representative assembly whatever, and those legislative councils which now existed, were councils named by the Governor; they were, in the phraseology of the hon. Baronet, the nominees of the Colonial Office. However improper that phrase might be, they derived their authority from the nomination of the Governor, approved of by Her Majesty. It appeared that the Legislative Council of South Aust-alia had come to a resolution that the legislature should consist of a governor and two chambers. That, so far as these persons nominated by the governor were concerned, seemed to be the opinion of the legislature of South Australia; but if he went on, he

> —"found that the second chamber should be composed of members elected by the people, with the exception of certain officers of Government, which shall be *ex-officio* members of the chamber, the Colonial Secretary, the Advocate General, the Colonial Treasurer, the Collector of Customs, the Surveyor General, and the Commissioner of Police."

Six persons, therefore, in the second chamber were to be *ex-officio* members of it. But what was the upper chamber to be? It was to be composed of members nominated by Her Majesty for life. Nothing, in fact, could be more unlike the proposal of the hon. Baronet than this. The present Bill proposed that there should be a chamber in part consisting of members nominated by the Crown; but the proposal of this legislative council was, that there should be two chambers, neither of them wholly elected by the people: one consisting entirely of members nominated by the Crown, and nominated for life; the other consisting in the greater part of representatives of the people, but with the addition likewise of several persons nominated by the Crown. This was totally unlike the proposition of the hon. Member for Southwark. But still it might be said—"If this be the general wish of the colony of South Australia, it would not be proper for this House to entertain a Bill enacting a single chamber; they wish for a constitution far more aristocratical than that we propose—a House of Lords and a number of official persons in the House of Commons, not elected by the people." But it did so happen that, so far as they were informed, this opinion of the legislative council was not the general opinion of the people of South Australia. There had been a very large public meeting, at which this opinion of the legislative council was altogether denied as representing the opinion of the colony, which was declared to be in favour of a single legislative chamber. The authority which had been cited was certainly so far good that it showed that the legislative councillors named by the Crown did not like to part with their authority. Representatives of the people were added in their scheme to those named by the Crown; and they thus hoped to preserve the whole authority in their hands. This was a very natural feeling, not at all to be wondered at. It certainly appeared that the opinion of the governors was in favour of two chambers; but, so far as the people were concerned, nothing appeared to alter the decision of the House.

Mr. ADDERLEY said, the noble Lord must allow that the question now before the House was between a single and double chamber. It was evident, therefore, that the noble Lord was dealing with things on their superficial aspect, and not according to their principles, when he thought there was any difference between the proposition of the Legislative Council of South Australia and that of the independent portion of the House at this moment. The proposition of the latter was, that there should be two chambers as independent estates; that of the Government was, that Crown influence should run through the whole frame of the legislature. They proposed separate independent estates; the Government amalgamated and controlled estates. It mattered less what the nature of the upper chamber might be; the noble Lord was evidently dealing with a matter of detail and subsequent decision. In principle, the colonists were clearly against the noble Lord; but then the authenticity of their opinions was doubted. How were they to ascertain the wishes of the colonists, if not from the resolutions of their legislature? Whatever attempts the colonists made to speak out, it appeared as if they were always to be told that that was not the way to speak. If they spoke by the Governor, he was reprimanded; if by the Legislative Council, Ministers took advantage of their own wrong, and told them that they were nominees, and did not represent the feelings of the people whom they governed. Were they to judge from the information that was before them, or from some mysterious oracle, dimly hinted at, in the background? However conclusive their argument might be, still it appeared there were some apocryphal expressions of the colonists of which they had before heard nothing, but which they were called upon to take on the authority of the Government. He wanted to know where any record of these wishes were to be found? They had looked through the papers laid before the House, but had been unable to find them. Did the Government lay claim to that gift of clairvoyance which it was said was tampered with by Ministers of State on the Continent, in order to ascertain what was taking place at the other side of the globe? If it is by this process these aërial wishes have struck senses of theirs which unministerial mortals were not cognisant of, this becomes a vote of unusual confidence. They were told by Ministers they would give a much better constitution to these colonies but "for sights they see we cannot see, and sounds they hear we cannot hear." All this they were to take for granted. Now, he refused to give such credit, and for this reason—that he did not think the mode and kind of information which they had given on the subject encouraged such confidence as to induce them to take for granted what they had not given. Let them consider the kind of information that had been laid before them, for that was the only mode by which they could estimate the character of the further information which the Government said they had received, but would not produce. When this subject came before the House at the beginning of the Session, all the information given was contained in two blue books, being the despatches of 1848 and 1849; and after perusing these despatches, he quite agreed with Sir W. Denison, that no man in his senses could say that the colony of New South Wales had objected to two chambers. All the information these papers gave was, that the colony of New South Wales had been frightfully alarmed by a sort of monstrous caricature of the British constitution which had been sent to them after being rejected by New Zealand. All they said was, "Leave us our present constitution till you have consulted us as to our wishes with regard to the future." It should be recollected that at that time when a tripartite constitution was proposed, there could have been no fears or doubts entertained by the Government as to the non-existence of sufficient materials in the colony for a second chamber; and he should be glad to know if the Government thought the colony had materially fallen away in prosperity since? The next piece of information which they had was, that the majority of the colonists of New South Wales, having heard the nature of the constitution proposed for them last year, had expressed their gratitude to the Government for the boon; but it appeared that the opinion of Sir W. Denison was the right one on this point, that the colonists having been excessively alarmed at the constitution that had been before offered to them, and looking out with anxiety for the next arrival, had expressed their gratitude at any improvement which promised to give them something like a constitution. The next piece of information which they had to consider was rather a striking one. In the progress of this debate, the Government stated that though any delay in the measure would be most disastrous, and might be considered as almost fatal to the interests of these colonies, still, as they saw that the House was not in possession of sufficient information, or rather because the House would not read the despatches in the spirit which the Government wished, they would consent to a considerable delay in the progress of the Bill, in order to lay fresh information before the House. They waited with anxiety for this fresh information; but when it came what was it? A collection of extracts from old despatches, with one very attenuated extract from a new one. He said, when he first saw it, that this meagre extract, with such copious asterisks, was more dangerous than any amount of positive information could have been; and he more particularly thought that such a mark of respect as the publication of the entire despatch ought to have been paid to one whom he considered the most statesmanlike of our Governors; or, at all events, that something more than the first and last line of the despatch should have been given. But though there was this paucity of information on the part of Her Majesty's Government, they had a considerable amount of information the other way. They had, in the first place, the advantage of the opinion of an individual of great authority in the colony — Judge Terry, in favour of two chambers of legislature; and they had also the opinion of another gentleman of equal authority (Mr. Speaker Nicholson), who had been speaker to two successive councils in the colony, and who, though he was not in this country, had written many letters expressing similar views with regard to the proposed constitution. They had also a pamphlet written by Dr. Lang, who expressed his unbounded astonishment at the manner in which Government had misunderstood the opinions of the colonists on this matter. There was also a resolution before the legislature of New South Wales, proposed by Mr. Lowe, very boldly expressing an opinion in favour of self-government of a much more complete description than this Bill proposed. As it appeared that newspapers were also to be looked upon as authorities, the Government might likewise refer to the leading paper of New South Wales, the *Sydney Herald,* in which some very strong comments favourable to Mr. Lowe's resolution were given, and only adding to them a stronger opinion of the necessity of a double chamber. He did not know of any other information on this subject except the petition that had been presented by the noble Lord just before the recess. The language of that petition was so peculiar, that he might hope to hear from the hon. Gentleman the Under Secretary for the Colonies where it had been drawn up. If the hon. Member, however, refused to tell them, the petition itself contained considerable internal evidence on the point. Out of about a hundred signatures to it, perhaps a dozen were those of persons who had been in New South Wales. Others were men connected with the colony as agents and members of commercial houses; and others were merely persons who, like himself, took an interest in the colony. These gentlemen stated their opinions as far as they could judge of the matter; but he wished to know what peculiar means of forming a correct judgment did the majority of them possess? He would, for instance, take the name of Mr. Enderby. That gentleman had been engaged in the South Sea whale fishery, and his whale ships occasionally might have touched on the coast of New South Wales; but was that any reason why Mr. Enderby should be a better judge of the feelings of that colony than he (Mr. Adderley) who had a different kind of occupation in this country? That was the whole of the information they had given them; and he submitted that it was not such as would enable the House to place that umeasured confidence in the *ipse dixit* of the Colonial Secretary that the Government demanded of them, as to the people of New South Wales approving so completely of their plan. For his part, he never entertained any misgivings as to the final result of this measure. He had from the commencement staked his credit that the Bill never would be carried into successful operation. He did not mean that the Government would fail to carry it into a law. There were few propositions that the Government could not at present carry through Parliament; but what he denied was, that it would ever be carried into successful operation in the colony. He had the most perfect confidence that they had only to wait for a short continuance of favourable breezes, and that they would in a few days have news from the colony bearing out the views which he, and those who acted with him, advocated to their fullest extent. The New Zealand accounts had not arrived, but those from South Australia and Van Diemen's Land had been already received. Let them, however, put out of consideration both those Governors' opinions, strong as they were, so much so from Sir W. Denison as to amount to his declining to carry out such a measure as this. It would not, indeed, be the first time of such a result taking place. The Government had already attempted to carry into effect a constitution for New Zealand, but the Governor sent it back to the Secretary of State, telling him that it would be an utter failure, if he attempted to carry it out in that colony. He would call upon the Government now to acknowledge that the present Bill was only one of a long list of failures of a similar kind, and that this measure was but the result of a feeling of despair on the part of Earl Grey, who, having so often failed in individual cases, had now decided on a sort of omnibus constitution, and of throwing some half-a-dozen colonies into a single measure. He would ask every man to lay aside for ever that most infamous argument of uniformity, leading to the monstrous proposition, that while they were giving a vicious constitution to New South Wales, they must sweep every other colony within a certain number of degrees of latitude into the same category. They should consider how unjust in every point of view such a line of proceeding would be. As long as New South Wales enjoyed a more favourable constitution, there never had been an attempt to extend the same constitution to the other colonies; but the moment they proposed giving a worse constitution than they approved to New South Wales, under the pretext of its own wilfulness, then they were to decide on giving inferior constitutions to the other colonies also, for the sake of uniformity. He hoped that proposition would be laid aside now and for ever. Another proposition which he hoped would be also laid aside was this — the proposal of dealing with the colonies in groups, so that any argument against one colony should be taken to lie against another grouped with it. Suppose any hon. Gentleman got up and said that the colony of Van Diemen's Land had been so damaged by the convict system that it was incapacitated from receiving a free constitution. Supposing that this ungenerous argument were used—though he could hardly believe such a thing possible, were it not that he had seen something like it shadowed forth in Earl Grey's despatch to Sir W. Denison, when he threatened to fix the incipient stage of freedom on this colony as its permanent constitution—still that could be no argument against granting a free constitution to South Australia, as it was exempt from this taint. There was, besides, a guarantee in the charter of that colony that it should be always legislated for by laws expressly and specifically enacted for itself. Having laid down these two points, he would briefly compare the two rival propositions before the House for these colonies. Both propositions presented themselves in two different aspects; both offer the colonies a basis constitution, and both offer powers of alteration and subsequent self-adaptation. The rival propositions may be contrasted with respect to the basis constitutions they offer in their main feature, the constitution of the legislature. There were gentlemen who considered the question of a single or a double chamber as one of minor consideration. He thought these gentlemen were entirely mistaken. It seemed to him that the question between a single and a double chamber involved the whole point at issue—that it comprised the whole question whether they should adopt the central or the municipal system of colonial government? That is, whether they should retain a control over local colonial affairs in the bureaux of Downing-street, and so exaggerate the centralised system of France, or throw at once the responsibility and the cost of local government on the distant colonist wholly and unreservedly, in acknowledgment of the fact that Englishmen abroad are the same animals as Englishmen at home—energetic, self-relying, capable of managing their own affairs—impatient of needless and domineering interference. The retention of the Colonial Office, with all its paraphernalia, its patronage and bribes, its vetoes and obstructions, its folios of flummery despatches, and its cant of *dilettante* and speculative legislation, was the only spot in England where the Crown legislated without the consent of its subjects—that might be called the main feature of the one system. The distinction between imperial and local functions, and the consent and representation of the colonists in their own legislatures, might be considered as the main feature of the other. But the question of single or double chamber was the shibboleth—for the one was the detector of despotic principles—the other of a free representative constitution. Single chambers of legislation invariably became the practical residence of single power—either the simple instrument of the sovereign will, or the organ of a despotic democracy. Double chambers afforded the needful check between the two, which results in liberty, stability, and order, and which was the very secret of the British constitution we are pretending to give. [The hon. Member here read an extract from De Lolme, attributing the stability of the British constitution to the division of the Legislature.] But it was rightly said to depend much on the sort of double chamber meant; whether the upper house was to be an estate of itself, or only a creature of the estate above or below it. On this point the colonial reformers were all agreed, and the Government antagonistically opposed to them — the one wishing to make the upper chamber an estate of itself, the other (if they must have it at all) to put it under the influence of the Crown. Those who were led by simple sounds, and misled by the use of similar phraseology for distinct ideas, supposed that the colonial reformers were divided on this point. They said that one proposed nominees for life—another hereditary peerage—others, elective processes of various decriptions. But these were all struggling for the same essential object, conceiving different means to carry it out—their one common object being the independence of the upper house; whereas the Government were only anxious to catch and retain in whatever number of estates the constitution might be composed of, their beloved patronage and Crown influence. This was the idea of representative institutions in the minds of the liberal Government, who, twenty years ago, convulsed the country rather than allow one seat in that House to be in the nomination of a Peer; and yet they were now dividing the very House so reformed in favour of model constitutions in British colonies, in which 33 per cent of the members were to be nominated by the Crown. The question of single or double chamber amounted, in fact, to the question of separate and independent, or amalgamated and controlled estates. But let them compare the two schemes, no longer as bases of constitutions, but in their comparative means for alteration. The principle of alteration given by the Government was unlimited power to suggest alterations, provoked and stimulated by the constituent basis, being the very *corpus vile* itself to be altered; with an equally unlimited veto to be exercised at home on all such suggested alterations. On the other hand, the principle of alteration adopted by the counter plan was to give a basis carefully complete, so as to require as little alteration as possible, specifying the points where alteration was permitted, and leaving such alteration entirely in the hands of the colonists without the retardation (to borrow a word from the late Colonial Office petition) of reference home. The utter impossibility of the first plan of alteration working, had been too ably argued by Sir W. Denison for him to waste their time in repeating it. The plan necessitated alteration, and afforded no possible chance of good alteration, or such as this country would not be forced to veto. But the second plan necessitated no immediate alteration. If the Government sincerely thought there were not the materials for immediate legislation on the spot, this was a most important advantage over their plan. Alteration hereafter whenever necessary would not be discussed, under a ready prepared hostility and collision of parties on the spot, and at home, but as a joint concern, in which the whole community would be equally interested. The Government used the see-saw argument. If it was said that their scheme was a bad one, they answered, "But there is a power of alteration in it;" and if they then said that the process of alteration proposed is the worst part, they answer, "There is nothing new in our proposal." He would not trespass further on the time of the House. He thought he had shown that, as far as the colonists had expressed an opinion, they were in favour of a double chamber; that the counter proposition offered against the Government Bill was consonant with their wishes and interests; and that at all events there were no grounds for that blind confidence which the Government asked them to repose in it on this question.

Lord J. RUSSELL: Mr. Speaker, I did not intend to address the House at this time; but the manner in which the hon. Gentleman who has just resumed his seat has spoken on this question obliges me to offer a few remarks. The hon. Gentleman has been expressing an anxiety for favourable breezes. Now there has been a continuation of favourable breezes, which have brought us intelligence from that part of the world—not, be it remembered, through the contaminated channel of the Colonial Office, but through a source much higher in the estimation of the hon. Gentleman—the Jerusalem Coffee-house. Those who had read Sir H. Young's despatch would have read the announcement that—

> "A public meeting of the colonists in Adelaide has been convened for Friday next, the 21st instant, the proceedings of which shall be duly communicated to your Lordship."

From the newspapers brought by the hon. Gentleman's favourable breezes, it appeared that the meeting so announced had been held accordingly at the Exchange, to consider the proposed new constitution. The greatest excitement, it was stated, prevailed on the occasion, so much so that all other business was suspended; there were 2,000 persons going in and out of the Exchange during the proceedings, and, independent of these, from 1,200 to 1,500 persons occupied the Exchange itself, the subject of the new constitution being considered of so much importance as to engage the entire attention of all. The report went on to state, that the sheriff having read the requisition calling the meeting, Mr. Fisher rising to propose the first resolution, read one of the clauses of the Bill, the very one now under discussion; and proceeded to declare his conviction that a single chamber was quite enough for the present wants of the colony, declaring that the colony wanted no second chamber, composed of nominees for life of the Crown, and expressing his hope that Her Majesty's would not sanction any such proposal, even should the Government propose it. Mr. Fisher then proceeded to propose his resolution, a resolution altogether in contrast with the violent invective and wholesale denunciation of the hon. Member. This resolution, "though peril to his modesty," he would read to the hon. Member and the House:—

> "Resolved—That the Bill lately laid before the Imperial Parliament for the better government of the Australian colonies, as far as regards South Australia, meets the wishes and wants of the colony; that in its essential provisions and its concession of a representative body with such extensive powers, we regard it as a most liberal and comprehensive measure; and the thanks of this colony are hereby given to Earl Grey and to Mr. Hawes, to Lord J. Russell, and Mr. Labouchere, Members of the House of Commons, who prepared and brought in the Bill."

Now, that is the opinion of a great meeting in South Australia. We had first the opinion of the Governor and of the law officers of the colony, and finally of the colonists themselves, that they wanted no second chamber— [Sir W. Molesworth: No, no!]—at least no second chamber composed of the nominees of the Crown. The hon. Gentleman seems to think it a matter of secondary consideration, and of mere detail, whether the second chamber is to consist of nominees for life, or to be an elective chamber. I confess that the Government regard the two cases as extremely different. I gathered from the hon. Gentleman that it was an open question with the Colonial Reform Association whether the second chamber should be composed of nominees of the Crown, for life or otherwise, or whether they should be elected, and be the representatives of the people of the colony. Now I think myself that that is a most important distinction in the discussion on which we are now proceeding, and I shall state in a few words my objection to either of these propositions. With regard to the second chamber being appointed by the Crown—that is to say, in practice, by the Governor of the colony, or his nominees, whether for a period of years or for life—I believe it will give no content or satisfaction to the people of the colonies. Instead of having the nominees of the Crown sitting among their representatives in the proportion of one-third—and where the opinions of their representatives on a division will be enabled to overwhelm those of the nominees of the Crown—if, instead of that, eight or nine persons are to sit in a separate chamber, and to control altogether, and to put an absolute veto on the legislative measures proposed by the representative assembly, I believe that such a proposition would cause the greatest dissatisfaction. Therefore that is not a proposition which I can ontertain. But then comes the proposition of the hon. Baronet the Member for Southwark, and my objections to that are of a totally different nature. My objections are, that we are not at present in a state to come to a perfect solution of that question. I do not think that we are, either with regard to New South Wales, South Australia, Van Diemen's Land, or any of the other colonies, possessed of information which would be sufficient to enable us to come to a solution of that question. It may be that they would find a difficulty of finding a number of persons willing to give their time to the consideration of legislative measures sufficient to form two chambers. It may be that there are not, as it certainly may be that there are a sufficient number of such persons. I own I am not prepared to come to a positive decision even on that part of the subject. Next, if there is to be an elective upper chamber, as well as a more popular chamber, how is that upper chamber to be composed?—what is to be the qualification of those who are to sit in it, and what the qualification of those who are to elect them?—whether the same or a different qualification from those who elect the more popular chamber? Now, when I introduced the Bill for the union and better government of the Canadas, I was for a considerable time previous in correspondence with the late Lord Sydenham, who was then Governor of Canada, and who himself consulted persons in various offices of high station—judges, and those who conducted the administration of the colony; and who, after long deliberation, was enabled to send me a tolerably perfect sketch of the Bill, which I afterwards brought forward. But in the present case we have not received from any of the colonies the necessary details on which we may legislate. Even if it should be wise afterwards to establish a constitution with a double chamber, we are not now in a condition to legislate for that purpose. It is of the utmost importance—we have the example of our neighbours on this point at the present time, though perhaps no attention is paid to them, to show the importance of attending even to minute details on this question. In Belgium and Holland, in both countries, they have decided to have a double chamber, and that the second chamber should be composed of persons with higher qualifications than the members of the popular chamber. But in framing that qualification, the Belgian constitution has provided that a certain amount of land tax should be paid—that taxes on land and real property should form the qualification; while the constitution of Holland provides that the qualification should be something in the nature of our assessed taxes; and the consequence of this difference, which seems a very slight one—so slight as not to be regarded—is, that in the one country the upper chamber is composed of great landowners, and is a most conservative chamber, though entirely elective; while in Holland there are scarcely any landowners in the chamber, but it is composed of those who reside in towns, and have their chief expenditure in towns—a totally different class of persons from the upper chamber in Belgium, and whose policy is, therefore, totally different. This shows the importance, that even in small details such as these, we should commit no error in the formation of a second chamber. I do not think that the hon. Baronet the Member for Southwark, in dealing with this open question of the Colonial Reform Association—I do not think he is endowed with such a complete knowledge of the affairs of the colonies, the character of the landowners, the character of the people in towns such as Sydney, or the number of persons who would be likely to give their attention to legislative questions, as would enable him to give us a complete constitution for these colonies. The hon. Gentleman who spoke last said, that the hon. Baronet had introduced a complete constitution for the colonies on the model of the British constitution. Now, I see one of the provisions of the hon. Baronet is, that if two-thirds of both chambers agree to ask for the removal of the governor, the governor shall be removed. It may be said that this can be put into effect, in some sort of way, by the provisions of the English constitution; but I don't know how. I never heard that the Sovereign of this country can be removed by any vote of the Members of the Legislature in this country. I own, therefore, that on the whole matter, I think the establishment of a second chamber, composed of nominees of the Crown, would be utterly unpalatable to the colony; and that if you make such an alteration, it will be received in the colonies with surprise and dissatisfaction, and that you ought not to adopt it in consequence. With regard to the second proposition, which may be the best to adopt afterwards, I admit that; but I think we are not at present in possession of information that will enable us to settle it in a satisfactory manner. If, indeed, we were to receive accounts by those favouring breezes which have brought us the feelings of the inhabitants of New South Wales and South Australia on this subject, that the people there could not bear the notion of a single chamber, and that they wished for a second, that would alter the question materially. But they all seem to think, as we think here, that though after a time it may be advisable to have a second chamber, yet they object to one nominated by the Crown, and that the time has not arrived when they can say even for themselves what would be the proper composition or frame of a chamber that would be most conducive to their interests. If that is the case, I must ask the Committee not to be led away by the hon. Gentleman who spoke last, as if we were doing an offensive act towards these colonies; but, on the contrary, this is an introduction, for the first time, of the representative element into those colonies—it is the giving them a power to elect their representatives, which they never had before; and in thus introducing the representative element, you will lay the foundation of a free constitution in these colonies, which I hope may long continue.

Mr. ANSTEY said, the noble Lord had so completely removed the difficulties raised by the hon. Members for Southwark and North Staffordshire, that he doubted whether he should attempt to add anything to the discussion; but as the question now before them affected not the colonies at large, but the colonies of Van Diemen's Land and South Australia, in particular the former, with which he was more immediately connected, he thought he could show that the Amendment of the hon. Baronet the Member for Southwark was totally inapplicable to the circumstances of that colony. It was a mistake to suppose that this Bill had not been considered by the colonies—it had been before them now for two years; and ever since the Bill passed for the government of New South Wales, the inhabitants of the other colonies had held themselves prepared for a measure of a similar nature being extended to them. Yet he must say, that in all the correspondence he had had with influential parties in Van Diemen's Land, no feeling whatever had been expressed in favour of a second chamber, but all he had been requested to do was to endeavour to remove the nominees of the Crown from the single chamber proposed by the Government. Various public meetings had also been held on the subject, both at Hobart Town and Launceston, and the feeling expressed there was to the same effect. The peculiarity of the hon. Baronet's Amendment was, that its main support was with those who regarded the idea of an elective second chamber with horror; and who, if this Motion were carried, would turn round and say that they ought to carry into effect the recommendations of the Legislative Council of South Australia, and that in all the colonies the upper chamber should be hereditary, and be framed on the model of the House of Lords. That was the only body which had petitioned for a second chamber; and, as a proof how far they represented the feelings and wishes of the people, he might state that a year or two ago they had passed a Bill for the endowment of certain religious denominations in the colony out of the State funds, in opposition to the petitions and remonstrances of all the religious bodies in the colony. He hoped, therefore, that the noble Lord would not delay the passing of this Bill, and that he would take the opinions of those on the spot, or who were otherwise conversant with the feelings of the inhabitants of the colonies, rather than the abstract opinions of the Colonial Reform Society. It was not difficult to foresee, that if the Amendment of the hon. Baronet was carried, it would be more difficult for the colonists to obtain a reform in their constitution than if the Bill of the noble Lord should be adopted in all its integrity; because it was not at all impossible that the representatives in the single chamber might unite together against the nominees of the Crown, and so carry a motion for reforming the constitution; but if the Amendment of the hon. Baronet was carried, there would be no hope of such unanimity, because the members would enter at once upon the function of the power thus given them, and they would not readily abandon it. The Amendment of the hon. Baronet would, in fact, set up an oligarchy in its worst form, and it would be impossible to get rid of it. They would not even have the advantage of nominees of the Crown in the chambers to neutralise by their presence the votes of a factious combination of oligarchs. The hon. Baronet had not been able to state a single authority in favour of his Amendment, with the single exception of Sir W. Denison, who, with more candour and respect for the opinion of others than had been shown by parties here, informed Earl Grey that he did not undertake to give the opinion of the colonists, but his own—that there was a difference of opinion among the colonists, though he could not say whether that opinion was general or not. With regard to the colony of South Australia, the hon. Baronet could not take the opinion of the Governor and the Legislative Council in support of his views, because it did not appear that one single member of that council, in supporting the proposition of a second chamber, had raised his voice in favour of the upper chamber being elective. The hon. Baronet should therefore at once declare in favour of a Canadian form of upper chamber, or council of Crown nominees, if he adopted the views of the Legislative Council of South Australia, or else he should give up their authority altogether. He (Mr. Anstey) did not think the proposition of two elective chambers for such colonies as those of Aurtralia as good as the plan of a single one. He only thought it better than a plan which should give to nominees of the Crown a right to sit in the solitary chamber proposed by the Bill. If before the bringing up of the report, or the third reading of the Bill, it should not be amended, as he hoped it would, he would be happy to support such a proposition as that of the hon. Baronet. But in its present stage, the hon. Baronet would find that he would lose many votes that he would have had if he had waited for a later period before submitting his Amendment. Sir W. Denison had expressed his doubt whether in Van Diemen's Land there could be found a sufficient number of qualified persons to compose the single house of assembly proposed by the Bill. Where, then, were they to look for the members of an upper chamber? Under all the circumstances, he should give his vote in favour of the original clause.

MR. AGLIONBY said, that the hon. and learned Gentleman who had just sat down had spoken as if he were an agent for some of the colonies. He did not know whether the hon. and learned Gentleman was or was not; but, for his own part, he would be very glad to have some information upon the subject from Gentlemen who were intimately acquainted with the state of the colonies; for the chief difficulty with which the House had to contend was the ignorance of the Members upon the actual condition and feelings of the colonists. For his own part, he should have no objection whatever that it should be announced, that in the opinion of Parliament a second chamber was desirable for the constitution of the colonies; but, in his own total ignorance of their wants, he would have it left to themselves to adopt it or not as they should think fit. If Parliament were to fix the principle of the two chambers for the colonies, they did not know whether they would give effect to such a constitution or not. He would not debate the relative merits of the modes in which it had been proposed to frame the constitution of the upper chamber. He was merely addressing himself to the question of whether a second chamber were desirable or not, and he still retained the opinion which he had before expressed, that there ought to be an upper chamber if it were possible. Sir C. Fitzroy, in a letter dated January 26, 1848, gave his opinion in favour of an upper chamber for New South Wales. But on looking over the papers that had been laid upon the table, he found that a meeting had been subsequently held in the colonies, at which colonists of great weight and experience had ventured to throw grave doubts upon the subject; and there was no further information relating to that colony before the House. Amongst the papers recently presented, there was a letter from Sir W. Denison, dated December 28, 1849, in which he said he thought a second chamber should be constituted at once by Parliament for the colony of Van Diemen's Land; and he (Mr. Aglionby) presumed that the Governor would not have given that opinion unless he thought that the colonists were in favour of it. And in a letter from Adelaide, dated December 17, 1849, the Governor, Sir H. Young, enclosed a resolution adopted by the Legislative Council in favour of an upper chamber. By way of answer to these, the noble Lord produced a newspaper that had been fished out at the Jerusalem Coffee-house, in which appeared a resolution which had been agreed to (amongst others that the noble Lord had not read) at a public meeting of inhabitants of the colony, held at a date subsequent to that of the resolution of the Legislative Council, declaring the proposed measure of the Government a most liberal one, and just what they wanted. But their reason for so praising it might be that it was a better form of constitution than the one they had at present. He could not see how it was possible that either the Governor or the members of the Legislative Council could have any private feeling that could actuate them in recommending a second chamber. He would ask the hon. Gentleman the Under Secretary for the Colonies, whether it would not suit the views of the Government to express an opinion in favour of an upper chamber, and then leave it to the colonists themselves to adopt it or not, as they should think fit? In any case, he thought the colonists would reap the greatest possible benefit from having the representative element introduced into them, even if only a single chamber were constituted. He would not then discuss the New Zealand question, but he would state that the nominee council there had laid on customs duties upon all imported articles used in shipbuilding, to the amount of from 12½ to 15 per cent *ad valorem*. Now, it was quite certain that no elected chamber would for a moment tolerate, far less introduce, such a suicidal act.

MR. ROEBUCK did not differ very much from either the hon. Baronet the Member for Southwark, or the noble Lord at the head of the Government. The noble Lord thought two chambers better than one; and the hon. Baronet thought an elected upper chamber better than a nominee one. Well, then, they were all agreed that there ought to be two chambers; and the only question was, when these two chambers should be permitted to come into existence in the colonies. The noble Lord at the head of the Government had admitted that he did not know enough of the people of Australia to say how he was to form the second chamber. It was acknowledged that a nominee upper chamber was an exceedingly mischievous thing; and there was no doubt that an upper chamber, nominated by the Crown, was the most mischievous thing that could possibly be. If the noble Earl at the head of the Colonial Office was ignorant of the state of the people of Australia, what was the duty of the House in such a case? This question had a very large area. They had a right to suppose that there were about to be large, numerous, and great communities in these colonies. He then said, it was not for the few inhabitants there at present to decide upon the future destinies of what might be called the Imperial colonies of England. What, then, was the best rule to be adopted for that great colonial empire of Australasia (for he thought the old name was, after all, the best, as being the most comprehensive)? Thus, as the mother country had sent out a portion of her population, who, under the protection of the power of England, had planted themselves in those distant parts of the world, what he should desire was, that they should be united to us in the relationship of friendly and brotherly colonists. He did not mean to separate them from the mother country. He wanted to have the English empire stretching out its arm over the whole world. But to do so they should make their colonies form part of their empire, not in the relationship of slave subjects, but as free subjects, united to us in all free institutions, but governing their own local concerns by their own local knowledge. How had this empire lost those mighty colonies which now, as a free nation, extended down to California, but by a want of forethought. Let them beware how they again fell into the same error. He sincerely believed that the noble Lord at the head of the Government desired, so far as his knowledge and information enabled him, to carry out the very views which he (Mr. Roebuck) had at heart. But he believed the noble Lord had made a great mistake. His ignorance misled him. He did not use the word "ignorance" in its offensive signification. The noble Lord had confessed himself uninformed upon the matter; and it was with the best feelings, and without the slightest hostility to the noble Lord or the Government, that he (Mr. Roebuck) expressed an opinion adverse to the noble Lord's. But surely they had the experience of the past to guide them; and was it right that they should ask whether a favourable breeze had wafted an unstamped newspaper to the Jerusalem Coffee-house, or a colonial despatch to Downing-street, in order that they might be enabled to decide upon the form of a constitution for their great colonial empire. The question really was, should they govern the colonies in the manner most fitted for subjects of this empire, or should they now begin again the direful series of events that must finally lead, as they before had led, to separation. They had once done so with the thirteen great colonies of America, which now formed the thirty-two United States; and he asked the noble Lord, had they not got such an experience in that matter as that they need not now appeal to the few colonists in Van Diemen's Land or New South Wales, as to the manner in which they should form a constitution for their Australian colonies? Then came the question before the House—two chambers or one? First, there was the Government proposition of a single chamber, one-third of the members to be nominees of the Crown. The next was a proposition for two chambers, one to be elective; and, thirdly, there was the proposition for two chambers, both of them to be elective. Now, let the House look back to the epoch at which the American republic was established, and to the counsels of its founders. The constitution of the United States came to be considered in that extraordinary assembly where, for the first time, a constitution was actually written down and acted on—a series of able State papers, from the pens of Hamilton, Maddox, and Jefferson, appeared in the *Federalist* on the question, "Shall there be one or two legislative bodies?" Those great men answered, that there should be two. The first was a reason which all experience since that had induced men to accede to, namely, that in a single chamber there was danger of hasty legislation. What was wanted in legislation was stability; and stability was best secured by having each question considered twice by two sets of people of different tempers, habits, and feelings. The other reason was, that it was difficult to reconcile responsibility with accurate knowledge of matters of legislation. Those eminent statesmen wished to check a body which was rendered fugitive in its nature by frequent elections; and the thought suggested itself that such an object would best be secured by a senate elected for a longer period, and composed of grave and deliberate men. It was necessary for every Government to have functionaries who were to be watched by the representatives of the people, and to be accused whenever they did wrong. Who was to be the judge between the accusers and the accused? An elective body was above suspicion. Now, were not the opinions of those great men—the originators of the American Republic—enough, without referring to newspaper accounts of what the people said in Australia and Van Diemen's Land? The House should be prepared to give the colonists such institutions as should relieve them from all difficulties. Did not every one perceive that a body, two-thirds of which were elected by the people and one-third nominated by the Government, contained in itself an element of quarrel? But it was objected, that the people were so small in number that in two chambers they would look ridiculous. Just try the experiment, and see how they would expand. Had any such difficulty arisen in America, in Texas, or California? But it was said that we were ignorant of the people of South Australia. He denied that we were so. The House knew that since the year 1832 great bodies of educated and intelligent Englishmen had gone out to Australia. He knew, therefore, that men as worthy and as capable as those they left behind them were now the colonists of South Australia. Should it be said that our countrymen were unfit for a constitution which the ragamuffins of Arkansas—the "loafers" of the Far West, were able to support—that our countrymen, trained under municipal institutions, in the practice of civil liberty, were unworthy to be blessed with constitutions so applied—successfully applied, in such instances as those he had enumerated? It was said that we were not in a position to decide, because we were not in the position of the inhabitants of Australia. To this he replied that we knew that there were in Australia instructed Englishmen—kindred spirits to those who in South Africa refused to accept a ship-load of our contaminated population, proving thereby the dignity of their nature and the superiority of their minds. The fact was, that the Cabinet did not know either how to make, to govern, or to foster a great colonial empire. An English Government had never founded a colony. The English people had, in spite of Parliament—in spite of Downing-street. Englishmen had founded a great empire on the shores of America; and when the Government trampled on them they had vindicated their rights, and had shown the world what it was to move free and untrammelled. Without any imputation on Downing-street, just let them compare New York and Montreal—let them compare the people of the United States and of Canada, separated only by a river—the one a great nation, the other a *fainéant*, discontented, annexation population. ["Oh!"] But it was the fact. Let not the Government go over the same course with our Australian colonies. Let them have no hesitation or misgiving as to the power of Englishmen to govern themselves, but at once lay down among them the great principles of government enjoyed by ourselves, and allow our countrymen in the colonies to prove they were of the same blood as ourselves.

Mr. TORRENS M'CULLAGH had listened with great attention to everything that had fallen from the hon. and learned Member who had just sat down, but he was yet unaware whether he intended to vote for the Amendment or not. Before the hon. Baronet and his Friends could hope to induce the House to affirm the principle which they contended for, they must either prove that Van Diemen's Land was specifically better fitted for two chambers than New South Wales, or that the resolution to which it recently came, with respect to that colony, was erroneous, and ought to be reversed. The hon. Baronet quoted, in favour of his views, statistics from a despatch of Sir W. Denison; but that despatch, while it stated that 32,000 persons were capable of claiming political rights, also informed us that a still greater number of persons in that colony were undergoing the penalty of crime, or had been criminals. The House, after full discussion, had decided that, under the present circumstances, New South Wales did not require a second chamber for its good government; and the hon. and learned Member for Sheffield should show some new information or some new reasons why the alleged defects of its constitution had escaped his acute powers when the Bill for establishing it was before the House of Commons. He regretted very much the absence of the right hon. Gentleman the Member for the University of Oxford, to whose historical arguments he should not allude, were it not that the hon. Baronet had reopened the question. The hon. Baronet, and also the hon. and learned Member for Sheffield, had referred to the early plantations in America as proofs that a double chamber was preferable to a single chamber. In a work published in 1705 by Mr. Beverley, a resident in Virginia, and who had access to all the public documents, we were informed that—

> "In 1620, an assembly of burgesses was first called, who sat in consultation with the Governor

and Council for settling the public affairs of the plantation; that, when the company was dissolved, the King continued the same method of government by a governor, council, and burgesses, which three being united were called the General Assembly; that this General Assembly debated all the weighty affairs of the colony, and enacted laws, and the governor and council were to put them in execution; that the governor and council were appointed by the King, and the assembly chosen by the people; that before 1680 the council sat in the same house with the burgesses; and that then the Lord Colepepper, taking advantage of some disputes among them, procured the council to sit apart from the assembly, and so they became two distinct houses, in imitation of the two Houses of Parliament in England."

So much for the assertion that the first legislative body started with two elective chambers, or even one wholly elective chamber. Under this state of things, according to Beverley, the colony prospered greatly, and lasted for sixty years. It appeared then that one legislative chamber, and that of a mixed character, had been already found sufficient for developing the resources of an infant community. Allusion had been made to Massachusetts. He would take the case of that State, and show that it furnished no argument in favour of the double chamber. Hutchinson, in his history of that colony, oberved—"The magistrates, or assistants," as they were originally styled, "and the deputies, or representatives, sat together in one room and voted together." It also appeared that the checks provided lest the magistrates should be outvoted, were very much of the same character as those now existing in New South Wales, and that the colonists generally approved of that arrangement. A curious and interesting memorial of the early days of Massachusetts had been preserved, which was singularly illustrative of the point now under consideration. Some years after the first settlement of the colony, a number of persons in England, who felt themselves oppressed, in matters of conscience, by the Government of Charles I., determined on emigrating to America. There were amongst them several individuals of rank and fortune—Lord Saye, Lord Brooke, and others; and, supposing that the infant colony would eagerly welcome such an accession of wealth and numbers as they could bring, they proposed certain stipulations as the terms on which they would embark in the somewhat hazardous enterprise. The details of the negotiation had been preserved, and each demand, with its specific answer, are to be found in the work from which he had already quoted. The fifth proposition was in these words:—

> "That, for facilitating the despatch of business, and for other reasons, the gentlemen and the freeholders should sit and hold their meetings in two distinct houses.—Answer. We willingly approve the motion; only as yet it is not so practised amongst us; but, in time, the variety and discrepancy of sundry occurrences will put them upon a necessity of sitting apart."

Thus it was clear, notwithstanding what had been stated to the contrary on a former evening, that the two leading colonies of North America, though differing in origin, feeling, and nearly every characteristic, alike followed, as if instinctively, the natural order of political development: content with simpler forms while their affairs were comparatively simple and few, and only resorting to more complicated institutions when their wants had become various, and their experience more mature. His hon. and learned Friend had stated that the United States had been lost to this country, and said he much deplored it, but a great many of those who were going to vote with the hon. Baronet did not sympathise with him in that respect. But who separated from this country? Was it not those thirteen States which had two elective chambers? Separation was not even contemplated at a time when a single mixed chamber was in existence, nor could it be said that it had been seriously attempted by any colony where that primary form of government prevailed; and it was not until the American States arrived at the age of manhood they shoook of the yoke, and resisted the power of the country When a Bill similar to the present, which was said to be full of danger and novelty, had been introduced by Lord Stanley, in 1842, it passed through all its stages without a division or any opposition whatever. The Gentlemen who were so much afraid of the constitution proposed for Van Diemen's Land, allowed a similar one for New South Wales to receive the sanction of the last Parliament. That was the time for them to have been indignant, and to have resisted those so-called innovating doctrines. The hon. Member for Buckinghamshire, the hon. Member for the West Riding of Yorkshire, and the hon. and learned Member for Sheffield, although Members of the last Parliament, allowed to pass through all its stages, without Amendment or opposition, a Bill which was to consign New South Wales to the degradation and detriment of a single house of legislation. Surely, if a Bill so essentially bad was allowed by those hon. Members to pass for New South Wales without a single word of opposition, it was hard to expect that the House should sympathise with their present sorrow, indignation, and alarm, in their opposition to a similar measure. It appeared to him that the experience of America, and of all other colonies, pointed to this, that every effort should be made to infuse into our colonial possessions the spirit of the country from which they sprang—that there should, if possible, be infused into them the habit of finding remedies themselves for their own wants. At a distance of 16,000 miles we could not hope to make our colonial dependencies exactly resemble the mother country; we ought not to desire to trick them out in an old-fashioned court costume, and then imagine that we were enduing them with the character of their parent state. It had been described as one of the faults of a very great man that he had never been a boy. Let not this country prevent its colonies from going through their course of gradual development and experimental self-teaching, looking forward with patience and confidence to a happy and prosperous maturity. The hon. and learned Member for Sheffield had alluded, in terms of well-merited eulogy to the authors of the *Federalist*, and had cited the decision of those eminent persons, in 1789, in favour of two chambers of congress as a precedent in support of his views regarding the Australian communities. But, in point of fact, the main consideration which swayed the judgment of Hamilton, Jefferson, and Jay, was the necessity of reconciling the sovereign equality of the thirteen States with an appointment of representative power suitable to their disparity of extent and population.

Mr. ROEBUCK, in explanation, referred to Mr. Bancroft's work, to show that after a few years the Virginians adopted the principle of a double chamber. But all he asked was that the colonists should not be asked to go through so many stages of admitted imperfection. The hon. Gentleman who spoke last wished the colonists to end well, but he (Mr. Roebuck) wished them to begin well and end well too.

Lord J. MANNERS said, the noble Lord at the head of the Government had told the House that so great was the ignorance of the Government and this House with regard to the feelings, wishes, and position of the colonists for whom they were about to legislate, that they could not fairly and properly take upon themselves to say whether one or two chambers were better for the Australian colonies or not. If the noble Lord was sound in his reasoning, they would thus be debarred not only from deliberating upon the propriety of having one or two chambers, but from deliberating upon this Bill at all. When the noble Lord said that two chambers could not be legitimately settled by this House, he would allow him (Lord J. Manners) to ask by what process of reasoning he had arrived at the conclusion that the House, in the absence of that necessary information, could take upon itself to say that a federative assembly of all those Australian States ought to be called into existence? True, he read a paper to show that some manifestation of feeling had taken place in one of the colonies against the proposition, not of the hon. Member for Southwark, but of the hon. Member for Midhurst. But if a newspaper report, which had not been seen by hon. Members, was to be taken as evidence, he (Lord J. Manners) asked the noble Lord if the paper then lying by his side might not be taken as equally good evidence that the proposition contained in the Bill was distasteful to the population for whom he was about to legislate. So far as he could gather, the feeling was unanimously against a federative assembly. Why, then, were they to be debarred from considering the question of two chambers, whilst they were competent to legislate not only with their ignorance, but with their knowledge, of the opinion of the colonists upon the subject of a federative assembly? They were called upon to lay deeply and broadly the foundation of a colonial constitution, which should afford a shelter to law and to religion. He should have thought that all experience, all analogy, and all traditional feeling, would point to a second chamber as the more preferable form of a legislative body. But the hon. and learned Gentleman the Member for Dundalk dived into the recesses of American history, and brought to the notice of the House two circumstances, which, however, had been satisfactorily disposed of by the hon. and learned Gentleman who sat near him. The hon. and learned Member referred to Virginia; but what was the burden of his story? Why, that Virginia, after some years, found the anomaly and confusion created by the system so great that the system broke down under the burden—and, with a candour that did him credit, the hon. and learned Member also admitted that every one of the American States, as soon as they had the opportunity, upset the very system he now called on the House to adopt for the colonies. Some hon. Member had referred to the single chamber of France. What was the spectacle the capital of that country presented? Why, that the very existence of civil society depended on the struggle for a single seat in this single chamber between a licentious novel writer and an heroic tradesman. He thought there was no need to refer to the experience of the past—the experience of common sense would suffice to tell them that a double chamber was the best for all purposes. He did not hear the principle openly repudiated by Her Majesty's Government; the noble Lord, however, took care not to indicate a preference for a single chamber. But this was to be expected from those who aspired to tread in the footsteps of Pitt and Fox. He would detain the House for a short time by referring to an expression of opinion by Mr. Fox in 1791. If the opinion of that statesman had any weight with the noble Lord, he would remind him that in the debate on the Quebec Bill in 1791, Mr. Fox said that

> —"on every ground and consideration it was indispensably necessary that an aristocracy should constitute a branch of the constitution for Canada. It was equally important with the monarchical and popular elements of the constitution."

Government did not openly repudiate this opinion—they simply passed it by. The papers on the table of the House showed unmistakably what were the opinions of the governors of the colonies. The noble Lord had told the House that the opinion of the Legislative Council of South Australia was of little worth, as the members were nominees of the Crown. If that was a valid ground for placing no value on an opinion, what would be the worth of an assembly to be constituted under the Bill of the noble Lord? Was it not clear, from all that had transpired as connected with the subject of colonisation of late years, that Government could not do too much to create enterprise in that direction? How could a combined movement be secured, unless by holding out inducements for respectable parties to go out to the colonies? If you desired to see men and women of gentle blood and high breeding led to take a part in the colonial enterprise of the day, it could only be effected by holding out a new home, in which they would find the refinements, the courtesies, and, may be, those honours, which in their own country they would not be debarred from. It was partly on that ground he was anxious for a second chamber, not that he thought it would be wise at once to create an hereditary chamber, such as the Legislative Council of South Australia recommended, but because, by laying the foundation deeply and broadly, they might rely on it, feelings would spring up which would in time enable the colonists to carry out sound constitutional principles to their full development. This was one of his main reasons for supporting the Amendment of the hon. Baronet the Member for Southwark. He might quote numerous despatches which had been recently received in support of his views, but he would not do so, as they doubtless were familiar to the House. Those despatches, however, must have due weight with those who wished to do justice to the colonies. He was anxious the House should decide in favour of a double chamber, because of his conviction that, by including as much of the aristocratic element in the government of the colony as was advisable, we should see the benefits of it in after time. Whatever might be the decision of that House, he should have the satisfaction of knowing he had done his duty, and he would now venture to ask the House to support the proposition of the hon. Baronet, feeling convinced that as we valued and benefited by the institutions we derived from our forefathers, so it was right Australia should also enjoy the benefit of similar institutions.

MR. KEOGH said, they heard from the hon. Baronet the Member for Southwark that it was the right of Englishmen to be be governed by laws made by the majority of their representatives, and in that sentiment he concurred. He heard similar sentiments from the hon. and learned Member for Sheffield, and he apprehended there would be no difference of opinion on either side of the House on that subject; but when he looked at the Amendment, he was indeed at a loss to reconcile it with that sentiment coming from the hon. Baronet. He asked the hon. Baronet with what consistency did he say that Englishmen ought to have laws made by a majority of their representatives, when in this Amendment he proposed that no alteration should be made in the constitution either of Van Diemen's Land or South Australia unless two-thirds of the members of each house should agree to these alterations. The hon. and learned Gentleman the Member for Sheffield said the question they had to decide was whether or not the best system of government was the establishment of two chambers or one. He (Mr. Keogh) begged leave to differ from him; he asserted that that was not the question before the House, and that the question before the House was whether they should continue in the colony of New South Wales that constitution which had existed there since 1842, and whether they should establish a similar constitution in South Australia and Van Diemen's Land, with the full power and authority in the legislatures so to be established in those colonies immediately, if they thought proper; and if the population of these settlements were in favour of a change, to revert to the system of two houses of parliament. Now, the principle that had been laid down by those who came forward in favour of this Amendment was, that colonies should be allowed to govern themselves, and to mend their own constitutions; and he asked the hon. and learned Member for Sheffield how he proposed to carry out that principle by giving two chambers, and preventing them making any alteration without the consent of two-thirds? Were they to form a constitution for the colonists without the colonists being consulted? It was said by the hon. Member for North Staffordshire that the colonists were in favour of the plan of the hon. Baronet, and that they would not consider it any injury inflicted on them if two houses of parliament were constituted. On that subject he would refer to the despatch laid before the House of the 1st of June, 1848, signed by the Governor of New South Wales, in which he called attention to a petition agreed to at a public meeting attended by 3,000 of the inhabitants, and in which the principal clause was one praying Her Majesty not to allow any new constitution to be imposed upon them without their being first consulted. Now, did any one say that they had been so consulted in favour of the plan of the hon. Baronet the Member for Southwark? He (Mr. Keogh) could show distinctly that the feeling was against two chambers. The hon. Gentleman the Member for North Staffordshire said he had read every one of the papers. Then if he had, he had read the report of the meeting of June, 1848, to which Governor Fitzroy referred. If he had, he would find that there was not a single speaker who did not speak against the adoption of a second chamber. How then, he asked, could it be contended that there was no evidence of the disinclination of the inhabitants of New South Wales to a change in their constitution? It was with a view to show the disposition of the inhabitants that he had referred to these documents, because he was not contending adversely to any hon. Gentleman there, for the superiority of a single over a double chamber; he was not asserting that at some future day, it might be in the next year, they might adopt a second chamber; but he asked the House not to adopt a second chamber, unless the wishes of the colonists were consulted. So far as to New South Wales; but it was contended that the cases of South Australia and Van Diemen's Land came under a different category. Were they to be governed by the despatches that had been read by the hon. Member for North Staffordshire? He thought a good deal of misapprehension existed with regard to these despatches. He would refer to the despatch of Governor Young and to the resolution of the Legislative Council in favour of two chambers. But there was a remarkable fact which disentitled this resolution of the Legislative Council to any weight whatever. The proposal was made by Mr. Moffatt, that the executive officers of the Government should be dismissed when they were disapproved of by the legislature; but they struck out of the resolution altogether the clause that they should be responsible to the legislature, and so they had made themselves Government officers for life. What was the resolution of the Legislative Council? It proposed distinctly that the second chamber should be nominated for life. Why, the Governor said he entirely disagreed with that recommendation. Governor Denison said they must be appointed for life, or for a long series of years. But Governor Denison's opinion, so often quoted, was not worth much if he gave two different opinions at different times. Were they to follow him in 1848 or in 1849? In the despatch of the 15th August, 1849, he gave it as his most decided opinion that the same system ought to be adopted in Van Diemen's Land and South Australia as was adopted in New South Wales; he said the Australian colonies were so connected together, so identified with each other, as far as the character of the inhabitants was concerned, as to make any change in the system, if applied only to one colony, a matter of doubtful policy. It was perfectly unnecessary, in supporting this Bill, to support one chamber over two, because the 35th section of the Bill provided that the colonists might alter the constitution. [The hon. Member read the clause, and at the request of Sir W. Molesworth, read the proviso at the end that no such alteration shall be reserved for Her Majesty's pleasure until a copy of the Bill had been laid before the House of Commons thirty days at least.] The hon. Baronet the Member for Southwark thought that proviso was perfectly conclusive; but persons on the spot attached very little importance to it. In the *Adelaide Times* of the 1st of October, 1849, a paper which was opposed to Government, and which demanded the most extensive powers for the people—he found in that organ of the public opinion of the colony a statement, after mentioning that the Bill, besides giving the power of amending the representation, provided for making any other amendment that experience could suggest; that if the Bill were carried out they should be quite content with it, notwithstanding the stipulation that those amendments, in order to their becoming valid, should be submitted to Her Majesty's pleasure and to Parliament. Now, he asked the hon. Baronet if that clause would not give the colonists all they desired? He had stated that the object of the Bill was not paramount to establish a single as preferable to a double chamber. The Bill proposed to give power to the house of legislature to establish two houses at any time they might desire; and it was not open for any Gentleman to say that with these extensive powers given to them, they would not exercise these powers if they thought that the exercise of them would be advantageous to the country. But he believed it was not the case that the inhabitants were in favour of a double chamber. He had read many papers which had come from the colony, and in every one of them he found the most unbounded satisfaction with this Bill. Against the Bill there was no doubt the opinions of the Colonial Reform Association. But were there any two gentlemen, members of that association, who, though resolved upon to have two chambers, would agree as to what was to be the constitution of the second chamber? The hon. and learned Member for Midhurst thought they should be nominated by the Crown. The hon. Member for Southwark was of opinion that it should be elective. The hon. and learned Member for Sheffield said that no want of information existed on the subject, and that they should at once resolve on the constitution of these two chambers. He (Mr. Keogh) thought the House was devoid of information which would enable them to proceed to the formation of a second chamber, and not having the information before them, he did not think they should adopt the suggestion of the Colonial Reform Association, and at once fix upon the constitution. He considered the proposal of the Colonial Reform Association to be one on which it would be unsafe for the House to stand; and as the colonists had pronounced in favour of the existing constitution, he trusted the House would not adopt the perilous course of establishing a different system.

Mr. DISRAELI: Sir, I understand that we are now in Committee upon the sixth clause of the Bill; there is an Amendment proposed to the sixth clause; the hon. and learned Gentleman the Member for Athlone calls our attention to considerations which do not affect the question at present before us. That question is whether the colonies are to have one or two chambers. His considerations are apart from this clause, and it would be well enough that the real question should be divested from them; for it is surely of itself sufficiently grave. Indeed, I hardly know one more difficult to decide, or one on which the responsibility of a vote would be felt more sensibly by any Member of Parliament. This question, however, is not new to the House. It is not four years ago a Government was founded, one of the meritorious characteristics of which was to be that of colonial reform; and in questions so extremely complicated as the construction of political constitutions, we naturally look with great expectation to the existing Government to be our guides, philosophers, and friends. That Government, on the instant of its formation almost, without entering the House, without any intimation of the policy they thought ought to be pursued with respect to the very question now under consideration—presented a constitution for a distant colony, contiguous to those we are now discussing. We had, therefore, then the opportunity of obtaining the opinion of the Government, and especially those members of it who were known to be colonial reformers; and it appears by their first project of a constitution for one of these distant colonies, three years and a half ago, that the Government were of opinion that there ought to be two chambers. Some time after that the Government produced another project of a colonial constitution; for one, indeed, of these very colonies, and one of greater importance than that to which I have just adverted; and after still more mature reflexion—after having been in office some little time—after having profited by their former experience and previous experiments, the Government again produced a constitutional project, which again included the plan of two chambers. So far the Government, during their somewhat brief career, had afforded renewed instances of their approbation of this principle. But a great change occurred after that time in the policy of the government. Their projects had not been fortunate, and both their constitutions had been rejected by the populations to whom they had been addressed. A considerable change, I say, took place then in the manner in which the Government prepared their future operations; and I am dwelling with some detail upon these circumstances, as being very remarkable and almost unprecedented in Parliamentary history. There was a delegation of the duties of the office of Secretary of State for the Colonies to a Committee of the Privy Council—a most remarkable circumstance, because, undoubtedly, after a Government so distinguished for the abilities of its members, and particularly for the high reputation of the individual who presided over the Colonial department, had taken office, great hopes having been held out of wise and salutary changes, it did appear strange that the Secretary of State should announce that he was incapable of forming his opinion upon those particular points which had hitherto been supposed to be so much his own subjects, and those upon which he was so peculiarly fitted to form an opinion as to point him out as the man to be the Secretary of State for the Colonies. But we were told that there were subjects of great difficulty involved—such as the system upon which the waste lands should be sold, and the principles on which the political constitution of the colony should be framed—that these were subjects of such extreme difficulty that the Secretary of State found it necessary to delegate the consideration of them, and the decision of these most important points, to a Committee of the Privy Council. Why, if a man was not prepared to incur the responsibility of advising his Sovereign upon questions which had been so long discussed and so thoroughly investigated, and which had occupied the strict attention of all who were worthy the name of statesmen, such as the sale of waste lands, the conduct of emigration, or the principles upon which political constitutions were to be given to the colonies—I should have said that such a man was the very last who would have been ambitious to become Secretary of State for Colonial Affairs. [Lord J. RUSSELL: Hear, hear.] Well, the performance of these duties was delegated, as I have said, to a Committee of the Privy Council, and it was that Committee who decided upon these points. We know who they are, for we have their signatures to a document. One of them is the nobleman now filling the office of Lord Chief Justice of England, and who, I do believe, will hand down to posterity a name and reputation as eminent as any of his predecessors. Lord Campbell was then Chancellor of the Duchy of Lancaster. I have a sincere respect for Lord Campbell, but I want in this matter the responsibility of the Minister for the Colonies, and not the responsibility of the Chancellor of the Duchy of Lancaster. Another Member of this Committee of the Privy Council was the right hon. Gentleman opposite, the President of the Board of Trade. He has, no doubt, every qualification for a Colonial Minister, and he distinguished himself as Under Secretary of State for the Colonies; but if he was to decide these questions, he himself should be responsible for the administration of the colonies, and not a person who leaves to him the performance of the functions. But hitherto in the appointment of the Members of this Committee, the House will observe that they have this constitutional security. These two Members of the Privy Council are also Members of Parliament, and the House of Lords or the House of Commons hold them responsible for the advice they give, however much you may disapprove of the circumstances under which that advice was solicited. There was a third Member of the Privy Council, a gentleman who bears the name of Sir—somebody Ryan — [An Hon. MEMBER: Sir Edward Ryan]—who is not a Member of the House of Commons, and of course not of the House of Lords. How, then, is the responsibility of a Minister in the person of this Sir Edward Ryan secured? If I want to know who Sir Edward Ryan is to secure his responsibility, I must send for the Red book; and if he live at an hotel, his name would not be even there, and the responsibility is not to be found. Yet it is to the advice of Lord Campbell, the right hon. Gentleman the President of the Board of Trade, and Sir Edward Ryan, it is to the delegation of the duty and responsibility of the office of Colonial Secretary to these three persons, consequent upon previous failure and apparent incapacity to fulfil the duties of the department, that we are indebted for this sudden change, in the project of a double chamber—a project to which the Ministry had for a considerable period given their adhesion, drawing up schemes of legislature founded upon that principle, and not only that, but passing them, and sending them to the colonies. Just let me call the attention of the House to the most important document in our possession on this subject, the one which is the basis of the whole policy of the Government, namely, the report of the Committee of Privy Council, dated the 1st of April, 1849. The noble Lord at the head of the Government may urge there is nothing unconstitutional in a reference to a Committee of the Privy Council for Trade and Plantations, and that for years before the institution of the office, the duties of a Secretary of State were fulfilled by them. But then the Lords of the Committee for Trade and Plantations were Members of Parliament. The vice of the old system from which you escaped when you founded Parliamentary and responsible government in this country, of giving power to persons with whom the people are not acquainted, and who cannot be brought into any answerable position, that is now attempted to be revived by the present Government. But listen to what is the decision of the Committee of the Privy Council upon this very question of a single chamber:—

> "We think it desirable that the political institutions of the British colonies should thus be brought into the nearest possible analogy to the constitution of the United Kingdom. We also think it wise to adhere as closely as possible to our ancient maxims of government on this subject, and to the precedents in which those maxims have been embodied. The experience of centuries has ascertained the value and the practical efficiency of that system of colonial polity to which those maxims and precedents afford their sanction. In the absence of some very clear and urgent reason for breaking up the ancient uniformity of design in the government of the colonial dependencies of the Crown, it would seem unwise to depart from that uniformity."

What were the circumstances that were so overpowering, that they forced the Government entirely to change their policy, and this Committee of the Privy Council to give advice opposed to all their constitutional doctrines? They say it is entirely based upon the state of public feeling on the subject in New South Wales. The hon. and learned Gentleman the Member for Athlone has just made an apparently triumphant appeal to the House on this subject. He says, there has been a great public meeting held at Sydney, in which the idea of a second chamber was universally condemned. But I want to know what sort of a second chamber that was? I want to know whether it was put to the inhabitants of Sydney, and to the colonists of New South Wales, that the second chamber they would have was to be the chamber indicated by the hon. and learned Member? Certainly, if the inhabitants of Sydney were asked whether they would have another chamber filled with the nominees of Government, I am not surprised they should have rejected such an offer with derision and indignation. I said that the duties of the Secretary of State were delegated to the Committee of Privy Council. The noble Lord at the head of the Government seemed to doubt it.

Lord J. RUSSELL said, that neither the question of emigration nor the question of the waste lands had been referred to that Committee.

Mr. DISRAELI: I have here the report before me, which mentions the subjects on which they advised, and it appears that Lord Campbell, Sir Edward Ryan, and the right hon. Gentleman the President of the Board of Trade, gave advice to the Government, or rather counselled their Sovereign first, respecting a division of the colony of New South Wales. Now, conceive a Secretary of State not competent, according to his own view, to recommend to his colleagues and his Sovereign the division of a colony, without requesting a Committee of Privy Council to do it. The next point is the establishment of municipal councils. This is a subject on which I humbly think a Secretary of State should be competent to form an opinion without calling in this unconstitutional aid. The next subject is the levy of rates in those districts. The Secretary of State could not form an opinion upon it without the Chancellor of the Duchy of Lancaster, another Cabinet Minister, and a retired Indian Judge, being called in, not to aid him, but absolutely to settle the question independently of him. The next point is the management of waste lands; and they recommended "after well considering the subject, that one-half the revenue derived from the sales of waste lands should be appropriated to local improvements." Is that no interference with waste lands? Are these cases which you would suppose the Secretary of State upon his own authority could not decide? But let me now call attention to their political labours. These gentlemen were resorted to in the distress of Government, who, having foundered with their plan of a second chamber, from the manner in which it was proposed, took upon themselves the kind and delicate duty of getting the Government out of the scrape. In fact, they adopted all the duties, and I suppose, all the responsibilities, of the Cabinet. They thus describe the old colonial constitutions of the country. [The hon. Gentleman here read a passage which described the old constitutions of the colonies as consisting of three estates—the Governor representing the Sovereign, the Assembly nominated by the Crown, and the Assembly elected by the people.] I never heard before that Her Majesty was an estate of the realm. I always understood that an estate of the realm was a class of the Queen's subjects invested with political privileges. Certainly there are three estates of the realm in England. The estate of the Lords Spiritual, the estate of the Lords Temporal, and the estate of the Commons; but to say that our Gracious Sovereign Queen Victoria is an estate of the realm, is to say that Her Gracious Majesty is a class of her own subjects. Yet these were the gentlemen who were to decide upon the great question of a single or a double chamber. Nor is this a slip of the pen; for we find the same observation repeated in the most solemn language in the summary of their opinions. So these gentlemen, who were drawing up a constitution to send to the Antipodes, after weeks, perhaps months, of consideration, were quite ignorant of what an estate of the realm meant, and described the governor of a colony as a political estate. We have now seen in this review of the colonial career of the Government, for less than four years, circumstances which must make us hesitate before we adopt them with confidence as guides upon this question. They have been within a very brief period advocates of two chambers, in instances over which they must have pondered long, of measures which they must have elaborately matured, and which, at great trouble, they sent out upon the longest and most fruitless voyage that ever awaited legislative enterprise. In the midst of this eventful term of four years, it appears that the Secretary of State, that hot and fervent colonial reformer, from what reason, whether in consequence of a too sensitive feeling of his failures, or of the upbraiding remonstrances of his colleagues, I will not pretend to decide, appointed a Committee to fulfil his duties, and the result of their labours was a total change in the opinions of the Government upon the vital principle we are now discussing. Now, without giving any further opinion upon that course, I think the House may come to this safe conclusion, that the Government are not the best guides to follow on this question. Then what can you do? Do you mean to lay it down as the principle of your conduct that you will act in accordance with the general feeling of the inhabitants of the colony? From the eagerness with which the noble Lord referred to that heaven-sent journal which fell into his hands, one would suppose that any public meeting at a coffee-house that decided in favour of the proposition of the Government, would settle the decision of the Cabinet on this question. I am not for a moment presuming to recommend any counsels that would act in total defiance of the opinions and feelings of the colonial population, although it may be of a limited character, for those feelings should be consulted. I think even their mistaken interests should, in a great degree, be deferred to, and that upon such a question as this a community so distant should be approached in a conciliatory tone; but I cannot agree in the principle of the Government, that we are to decide this matter solely with reference to the feelings of the colonies at this moment, even if we could ascertain them. The hon. and learned Gentleman the Member for Dundalk told us we should not anticipate the future; but if ever we ought to legislate for futurity, it is when we are legislating for a colony. I shall give my vote in favour of the principle of two chambers, because I think that under all circumstances they would add to the stability of society. It is a great mistake to suppose that the action of a second chamber is adverse to popular liberty. It may be adverse to popular passion, but it is the best security for popular liberty. I look upon it as representing the conservative principle in its purest element; and its purpose would be to secure the society of the colonies, to improve it, to save it from the gusts of popular caprice, and to introduce into those communities aspiring elements. I feel assured, if the question was properly put to the communities of Australia, whether they would have two chambers or one, always supposing they were not to be full of Government nominees, that their decision would be universal and unanimous in favour of two. And I feel persuaded that when this and other debates that will arise in consequence of this Bill have reached those countries, and public opinion there is enlightened, the noble Lord will never be able, though he passes his Bill through this House, to pass it in the colonies which it is intended to regulate. It is not the first constitution that has been returned upon his hands; and I wish the noble Lord to profit by experience. If the noble Lord wished to prosper in his colonial legislative enterprises he would not have come forward upon such a subject without himself having a very clear conception upon this vital point—are the inhabitants of the colonies clearly aware of what is meant by two chambers? Because if the inhabitants of Sydney suppose that those who advocate two chambers are advocating a second, to be composed of Government nominees, that is not the feeling of the House of Commons, nor of the country. It is clear to me the governors of the colonies have not that idea of the elements of a second chamber. But, says the hon. and learned Member for Dundalk, it is better to support the Government Bill than to legislate upon mere theory. Is the opinion of the Governor of Van Diemen's Land mere theory? Is the opinion of the Governor of South Australia mere theory? It is the duty of the Government, when they come forward with new projects, which they recommend upon an assumed acquaintance with the state of colonial feeling and opinion, to be sure they are acquainted with them; but it appears to me, from all that has fallen from the Treasury benches during this discussion, and from their despatches and documents, that the Government are not well informed upon this subject. Nay, the Secretary of State has told us within the last few hours that he is lamentably ignorant of it. Will you legislate in such ignorance? I think not; and I therefore venture to recommend the noble Lord to inform himself upon these important topics before he proceeds with his colonial legislation.

MR. HAWES hoped the House would consider that it was only a sense of duty which induced him to rise at this late hour and after a long debate; but there were some portions of the speech of the hon. Gentleman who had just sat down, which rendered it absolutely incumbent upon him to put the House right with reference to the state of the subject. The hon. Member for Buckinghamshire, in opening his speech, stated that the question which the House had to decide, was this, whether they would confer the constitution of two chambers upon all the Australian colonies. The hon. Member for Buckinghamshire had altogether forgotten the debate which took place the other evening on this subject, where, with reference to New South Wales and the colony of Van Diemen's Land, the House decided against granting the constitution. The Committee of Council had been constituted to consider various colonial subjects, and the Secretary of State, in constituting the Committee of Privy Council, had delegated his duties, and had altogether abandoned his responsibility. If there was one thing which the hon. Gentleman had complained of more than another, it was that on great colonial questions the Secretary of State for the Colonies hitherto had decided upon them in secret, without due deliberation and advice, without asking for information; and now, when he gathered round him men of knowledge to advise, and was adopting the report they might make, the complaint was that the Secretary of State had delegated his authority and abandoned his responsibility. Who constituted the Committee? The hon. Member asked who Sir "Somebody" Ryan was, as if he did not know that Sir E. Ryan had been Chief Justice at Bengal. The hon. Member omitted to state that Sir J. Steven, whose knowledge of colonial affairs was universally acknowledged, was also a Member of the Committee of Privy Council. The hon. Member bore testimony to the ability of Lord Campbell and his right hon. Friend the President of the Board of Trade. The Committee of Council left it to the Colonial Secretary to adopt or reject the report. The noble

Earl adopted the report, and when he adopted it, and formed a measure on it, he took on him the full authority of his office; and, in supporting this Bill, he thought the responsibility was not one from which he would for one moment shrink. The hon. Member for Buckinghamshire said that it was on the report that the Government abandoned its opinion. In 1842 Lord Stanley first introduced the single chamber. He introduced the Bill when the hon. Member himself was a Member of the House, and the Bill went through the House without a division. He would put it to the House whether it had not passed without a division, and without a single observation. So much for the circumstance to which the hon. Member had alluded, and upon which he made an appeal to the House to reject the proposition. But the hon. Member said that Earl Grey was ignorant, and had avowed his ignorance; that Government was ignorant. We could not be guided by the Government. The Government had in former times recommended two chambers. In the case of the Cape, the Committee of Council recommended two chambers. Did they change all their opinions because the Committee of Council recommended a single chamber in New South Wales? The Committee of Council, from the report of which the hon. Member made his quotation, stated the ground of this recommendation. What was the ground? Let us try the merits of the Bill on the grounds there assigned. The noble Lord at the head of the Colonial Office altered his opinion—upon what grounds? In 1842 there was a Bill which had given satisfaction, and when the colonists had a public meeting they prayed that the constitution might not be altered without their previous consent. The noble Lord did abandon his opinion, and adopted the opinion of the colonists. In his (Mr. Hawes') view this Bill stood on the broad principle that it was a Bill founded, as far as possible, on the knowledge of the opinion of the colony, upon their wishes and consent as expressed in formal documents. How was that to be evidence? Did hon. Members say that anything contained in this Bill was opposed to the wishes of New South Wales? Was the Bill opposed to the feelings of the colony of Victoria? He had in his hand a resolution transmitted to him, in which the people of Victoria prayed that there should be an executive and legislative authority, and that the legislative council should consist of eighteen members appointed by the people, and nine appointed by the Crown. Then the argument was that they were now legislating for two colonies which had not constitutions at present. It was proposed, then, that for all four colonies constitutions should be given comprehending two legislative bodies. The answer to that was this—that the people were satisfied with the constitution which they had. The question was, were the people of South Australia satisfied with a single chamber or not? It was proposed to give them a constitution comprehending two legislative bodies; but upon that the people of South Australia and the people of Van Diemen's Land had made known their opinions. He (Mr. Hawes) admitted that the Governor of Van Diemen's Land was opposed to the establishment of a single legislative chamber; but what did the Governor say? He said exactly what his noble Friend had said in reference to the colonies. What he stated was, that he had no means of ascertaining precisely what were the opinions of the people, and then he went on to give them his individual opinion as to what the constitution should be. Those who had paid attention to the matter as he was obliged to do would have been cognisant of the same things that came before him. He was in the habit of perusing the newspapers, which, in matters of fact, he was accustomed to rely on, and there he found that, at a public meeting which was held for the purpose of petitioning Her Majesty, they prayed for an elective legislative council; but they did not pray for two chambers. All they prayed for was a single legislative chamber. "Then," said the hon. and learned Member for Sheffield, whose views, as expressed that night with respect to colonial matters rather surprised him, and led him to think that he had not looked with his usual accuracy back to the history of America, "you ought to form for these colonies the best constitution in your power." He (Mr. Hawes) denied it. He distinctly denied it—he stood on a much broader principle than that. He contended that if they formed a constitution for the colonies, they ought to form it in conformity with the wishes of the colonies. Was the opinion of that House the opinion that was to rule in the colonies? His belief was this, that if their colonial institutions were to be permanent, they should be as far as possible the creation of the people, and as far as possible in conformity with their wishes, and they should not form a constitution founded on their own theoretic notions of what they thought the best constitution. But then, said the hon. and learned Member for Sheffield, Pennsylvania, Georgia, Massachusetts, and Virginia began with a single chamber, and that when they had derived experience they changed their system of legislation and had two chambers. He (Mr. Hawes) did not think, however, that the people of these States were less attached to the second chamber because they happened to have commenced with only one. If they had a second chamber in New South Wales, they would have it because the colonists wished it and desired it; and it was only under such circumstances that the establishment of a second chamber would be likely to have a good effect. In all these cases which had been referred to, this broad principle marked the policy of the American statesmen: all they did was founded on the consent of the people; and when they established a legislature there were the large consenting body among the people to give weight to it. It was by that system of policy that the Jeffersons and the John Adamses of the day were enabled to found those constitutions which had celebrated their names. Reference was made to the 35th clause of the Bill, and he was mistaken if it would not effect its object, because the consent of the Crown and of Parliament was necessary before any alteration in the constitution was adopted. He was now going to raise the question as to the veto of the Crown on all the acts of the legislative body in the colonies; but he was not at all afraid to appeal to the House on the matter, as he felt convinced that they were not now going to snap asunder the chain that connected them with the colonies, by saying that they should have no control over them. The policy of the Government was this, that in conferring that power on their colonies they should allow them to exercise it constitutionally, to procure those reforms and changes which they think necessary for their welfare. It must be admitted that this Bill, which the hon. Member for Buckinghamshire declared to be the work of incompetent hands, had conferred on the colonies of Australia a local self-government, than which nothing better constituted was established in the States of America. He looked forward with great anxiety to the results of this question. It ought not to be made a party question, or a question of whipping one side of the House or the other—it ought to be considered as a matter involving the welfare of their colonies, and if there was not the shadow of a shade of ground for saying that the colonies would not prefer the measure, then they ought to support a Bill like this, which was in accordance with the wishes of the people. There was no doubt that in a despatch of Earl Grey's it was proposed to them that they should have two chambers. They, however, objected to it, and what was his course then? He told them that he had discovered that they were attached to their old constitution, and to that he added the power of improving it, and gave them the means of working out their own constitutional changes. Was that a policy which was deserving of the censure which had been thrown on it that night? He heard the hon. Baronet the Member for Southwark say, that the Government were perfectly ignorant on the subject. He would ask of what part of it they were ignorant? Before they carried this matter into operation they would have to decide what the franchise should be, what should be the qualifications and the numbers, without consulting the colonists. It appeared to him that in framing a Bill of that kind, they were forming the foundation of a representative government, and that if it elicited the opinion of the colonies in favour of constitutional changes, they would give them the power to form a government suitable to their present condition. He would now content himself with saying that if this Bill were carried with the Amendment, a very considerable delay would take place in all the colonies in framing a Bill that would satisfy them. With these few observations, he would leave the question to the House, and he would ask the House not to consider whether this or that form of government was the best, but to consider whether they would not be more likely to conciliate the colonies, and to promote their interests by paying a deference to their opinions, and in so doing to enjoy the glorious anticipation of laying the foundation of institutions which the colonists themselves may look up to with pride and satisfaction as the work of their own hands, and not imposed upon them by a superior power.

MR. DISRAELI: The hon. Gentleman stated that I had omitted to name Sir James Stephen; but, although a member of the Committee, he did not sign the report, and I only alluded to those who had signed the document. I was not aware that Sir Edward Ryan had been a judge, and I can only say that the Government were in a very bad state when they were obliged to call two judges to their assistance.

Mr. F. SCOTT was understood to say that there was not a governor in the whole Australian group who was not in favour of a double chamber. The hon. Gentleman the Under Secretary for the Colonies had misquoted the only document to which he referred, when he led them to believe that the legislative council were not of the same opinion. The colonists were all desirous of having a constitution as near as possible to that of this country. He (Mr. Scott) asserted that the great preponderance of opinion in the colonies, as expressed by their governors, as well as by the petitions laid on the table of that House, was decidedly in favour of a double as compared with a single chamber. The despatches which had lately been received from South Australia and Van Diemen's Land decidedly expressed the opinions of the governors of the colonies; and though the noble Lord opposite had asserted that the opinions of the colonists were opposed to those entertained by the governors, yet he wished to know how he could prove that to be the case? By accounts which had been received from Port Phillip, it appeared that two public meetings had been held there without coming to any resolution whatever in the matter.

Mr. MOWATT said, the spirit in which this Bill was framed was so admirable, and the whole scope of its intention so liberal, that he was very unwilling to pronounce any judgment upon it; but the hon. and learned Member for Athlone and some other hon. Members had attributed to it so many qualities that it did not possess that he could not help making a few observations upon this measure. It was a most remarkable proposition, such, indeed, as had no precedent in the history of legislation; but he thought that the great defect of the Bill was this, that whilst the Government frankly confessed their ignorance of the real wants, and desires, and condition of the colonies, they attempted to legislate for those colonies on a permanent basis, and would not leave the colonies free practically—although the Bill itself in theory professed otherwise—to choose for themselves their system of government. No one who had read the despatch of Sir W. Denison could doubt for a moment what were the wishes of the colonies with respect to this question; still they did not like to "look a gift horse in the mouth." Although he had a great interest in the colonies, he was decidedly of the opinion of the hon. and learned Member for Sheffield, that the Imperial Parliament ought to legislate for the colonies, notwithstanding the professed ignorance of many of its members on such a subject. He contended that the history of our North American colonies showed that it was the duty of the Parliament of this country to legislate for the colonies, and to endeavour to profit by the lessons they had had elsewhere, by establishing such a system as they thought would work. He did not mean to say that they were not bound to take into consideration the opinion of the colonies; but he believed that if they attached too much importance to their opinions, they would have those colonists in a very few years turning round and saying, "We voted for that which was of little use to us, but, in point of fact, we were not competent judges, we had not the requisite experience." But if the question were fairly submitted to the colonies, as to whether they would rather leave their present form of government, one-third of the senate consisting of nominees of the Crown, or two chambers of representatives, to be elected by the people, could any candid man in that House hesitate for a moment as to what their choice should be? He could not sit down without expressing his regret that a Bill having such good intentions should unfortunately have this fatal blot, that they neither allowed the colonists to legislate for themselves, nor did they at once boldly legislate for them, on the experience which they already possessed.

Lord J. RUSSELL: Sir, I should not think of troubling the House at this late hour—12 o'clock—but that I am anxious to recall the attention of hon. Gentlemen to what the question is on which we are going to divide. The hon. Baronet the Member for Southwark has proposed, as an Amendment, that we should omit in the Bill certain words affecting the composition of the legislative council, and that we should substitute other words in their place. But the hon. Baronet, in taking a view of the two chambers—one to be elected by the people, and the other to be elected by the same electors, but having a double qualification—does not state in his Amendment that the second chamber is to be elected. He has carefully avoided that point, as have also the Gentlemen who support him. The hon. Member for Buckinghamshire would not bind himself to the constitution of the second chamber, but said that the House of Commons would be in favour of an elective one. Now, I think that the House should not throw aside a plan of Government without seeing clearly their way as to what they could put in its place. If you have a second elective chamber, without any of its members appointed by the Crown, are you sure that you have the means of constituting that second chamber? Are you sure that if you have it in the way proposed by the hon. Baronet, you will not have a repetition of the first chamber, and that one will not be a mere echo of the other? Such, I believe, would be the case; but if the House is now prepared to accept the proposition of the hon. Baronet, let them consider it would be without more information than we have to attempt to frame a constitution so different to anything known to any colony of the British Crown. What we propose is in conformity with the Bill brought in by Lord Stanley in 1842. A Bill containing every provision of the present Bill was laid before Parliament last year. It has been sent to the Australian colonies, and from them, at least, no voice of dissent has come. The hon. Gentleman who spoke last said that the colonists were in so great joy at the prospect of having anything like a constitution that they were ready to accept it at once, without examination. If, then, they are so pleased with the Bill as not to examine its details, I think that is a sign that our plan will prove more acceptable to the colony; and, with regard to this country, you have every one in the House who is connected by trade or property with the colony asking you to pass the Bill. The hon. Gentleman also said that there were not in this Bill powers enabling the colonists to alter the constitution. If there be not, let us take care to have a clause inserted giving them that power. That is what I wish, and what I propose is, that a measure which has been known by experience to a colony for eight years, is known to the rest by the proposition having been sent out, and has been generally received with approbation, should be adopted by the House, rather than that you should attempt to frame a new constitution, uncertain whether it would be adapted to the situation of the colony, uncertain whether it would be received with gladness, uncertain whether, when put in operation, it would work for the welfare of the colony. The only other alternative you have is to delay this Bill for another year; and I can only say that I believe a decision to that effect would produce the greatest dismay in the colony. I have only further to say, that I hope this Bill will be decided with a view to the welfare of the country, and with no other view.

Sir W. MOLESWORTH, in reply, said the noble Lord had not quite correctly represented the nature of his Amendment. He proposed to make four distinct alterations in the clause then under discussion, and when altered it would read thus:—

> "And be it enacted, that there shall be established in the colonies of Van Diemen's Land and South Australia respectively, a legislative council and a house of assembly, and that the members of such council and assembly shall be elected by the inhabitants of the colony in which such council shall be established."

The noble Lord had expressed his objection to the Amendment, because, he said, if it succeeded in establishing two elective chambers in those colonies, the second chamber would be a mere copy of the first. In reply, he (Sir W. Molesworth) could only give the House the experience of the thirty-two States of America constituting the Union. The first, or upper chamber, would be much smaller than the second, that is, it would only consist of half the number of members in the second; the members of the upper chamber would be elder and wealthier than those whe constituted the second, and their term of tenure of seats would be twice that of the occupants of seats in the lower chamber. The admirable manner in which so many millions of the Anglo-Saxon race lived under that system was a sufficient proof of its peculiar adaptability to the wants of the inhabitants of our colonies.

Question put, "That the words 'it shall be lawful for' stand part of the clause."

The Committee divided:—Ayes 218; Noes 150: Majority 68.

List of the Ayes.

Abdy, Sir T. N.
Adair, R. A. S.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Anson, Visct.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Berkeley, Adm.
Berkeley, hon. H. F.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brand, T.
Brocklehurst, J.
Brockman, E. D.

Brotherton, J.
Brown, W.
Browne, R. D.
Busfeild, W.
Buxton, Sir E. N.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Colvile, C. R.
Corbally, M. E.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Curteis, H. M.
Dalrymple, Capt.
Dawson, hon. T. V.
D'Eyncourt, rt. hon. C.
Divett, E.
Douglas, Sir C. E.
Douro Marq. of
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Egerton, Sir P.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Evans, J.
Evans, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Glyn, G. C.
Goddard, A. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Guest, Sir J.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Heneage, E.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hughes, W. B.
Hutt, W.
Jervis, Sir J.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Locke, J.
Loveden, P.
Mackie, J.
M'Cullagh, W. T.
M'Taggart, Sir J.
Mangles, R. D.
Masterman, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Morgan, H. K. G.
Morrison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, W.
Muntz, G. F.
Norreys, Lord
O'Connell, M.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Sir G. B.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Power, Dr.
Power, N.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Scrope, G. P.
Scully, F.
Seymour, Lord
Sheil, rt. hon. R. L.
Sheridan, R. B.
Smith, J. A.
Smith, M. T.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord J.
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townshend, Capt.
Tufnell, H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wall, C. B.
Walmsley, Sir J.
Watkins, Col. L.
Wellesley, Lord C.
Willcox, B. M.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Hill, Lord M.
Bellew, R. M.

List of the NOES.

Adair, H. E.
Alexander, N.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Beckett, W.
Bennet, P.
Beresford, W.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blair, S.
Blakemore, R.
Boldero, H. G.
Booth, Sir R. G.
Bright, J.
Broadley, H.
Brooke, Lord
Bruce, C. L. C.
Buller, Sir J. Y.
Cabbell, B. B.
Campbell, hon. W. F.
Carew, W. H. P.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Cobden, R.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Compton, H. C.
Conolly, T.
Cubitt, W.
Deedes, W.
Denison, J. E.
Devereux, J. T.
Disraeli, B.
Dod, J. W.
Dodd, G.
Duncan, G.
Duncombe, hon. O.
Duncuft, J.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Estcourt, J. B. B.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Fox, S. W. L.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gooch, E. S.
Gordon, Adm.
Granby, Marq. of
Greenall, G.
Greene, J.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Harris, hon. Capt.
Hayes, Sir E.
Heald, J.
Hervey, Lord A.
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Hotham, Lord
Hudson, G.
Humphery, Ald.
Jermyn, Earl
Jocelyn, Visct.
Jones, Capt.
Law, hon C. E.

Lawless, hon. C.
Lennox, Lord A. G.
Lewisham, Visct.
Lindsay, hon. Col.
Long, W.
Lowther, hon. Col.
Lushington, C.
Mackenzie, W. F.
M'Neill, D.
Meagher, T.
Mahon, Visct.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
Marshall, J. G.
Miles, P. W. S.
Miles, W.
Monsell, W.
Mowatt, F.
Naas, Lord
Napier, J.
Newport, Visct.
O'Brien, Sir L.
Palmer, R.
Palmer, R.
Peel, F.
Portal, M.
Prime, R.
Reid, Col.
Repton, G. W. J.
Roebuck, J. A.
Sandars, G.
Sandars, J.
Scholefield, W.
Scott, hon. F.
Seymer, H. K.
Shafto, R. D.
Sibthorp, Col.
Simeon, J.
Smith, rt. hon. R. V.
Smith, J. B.
Somerset, Capt.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Stephenson, R.
Stuart, Lord D.
Stuart, H.
Stuart, J.
Thompson, Ald.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R. H.
Walpole, S. H.
Walsh, Sir J. B.
Westhead, J. P. B.
Williams, J.
Wyld, J.

TELLERS.
Molesworth, Sir W.
Adderley, C. B.

In reply to a question from Mr. WYLD,

MR. HAWES said, that there was no provision in the Bill for the government of the convicts in Van Diemen's Land, the Bill having nothing to do with transportation.

MR. F. PEEL observed that a limitation was placed upon the discretion to be vested in the legislative authorities of Van Diemen's Land and South Australia as to the number of persons to constitute the legislative council; but the same limitation was not extended to the legislatures of New South Wales and Western Australia.

MR. HAWES said, that in Van Diemen's Land and South Australia the number of the legislative council was limited to twenty-four, but in New South Wales and Western Australia a discretion was left with the legislative authorities.

MR. ANSTEY then moved that the words of the clause which empowered the Crown to nominate a certain number of the members of the two legislative councils to sit with the elective members should be omitted.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee divided:—Ayes 159; Noes 27: Majority 132.

Clause, as amended, agreed to.

House resumed.

Committee report progress; to sit again on Monday next.

The House adjourned at One o'clock till Monday next.

HOUSE OF LORDS,

Monday, April 22, 1850.

MINUTES.] *Took the Oaths.*—The Lord Blantyre.
PUBLIC BILLS.—1^a West India Appeals.
Reported.—Smoke Prohibition; School Districts Contributions.

THE AUSTRALIAN COLONIES.

LORD MONTEAGLE wished to put a question to his noble Friend the Secretary of State for the Colonies, which he was induced to ask on account of the incompleteness of the information before the House with reference to the opinions of the people of Australia on the subject of the change in their constitution. Their Lordships might see, from the Votes of the other House of Parliament, that it was the intention of Her Majesty's Ministers to propose a Bill to carry such a change into effect, and there were also certain documents relating to this interesting question, which were already before the House. He could not help thinking, however, that the evidence in relation to the real feeling of the colonists was incomplete, and he therefore begged to ask his noble Friend whether any further despatches had been received from New South Wales and Western Australia on the subject of the proposed change of the constitution of those provinces; and whether it was the intention of the Government to recommend any Bill for forming a new constitution for those provinces without the production of further information on the subject?

EARL GREY replied, that when the Bill came up to their Lordships' House, he would state to them the grounds on which he thought they would be justified in proceeding with it. At present he would only say that no information as to New South Wales or Western Australia had reached Her Majesty's Government which was not already before the House; but from Port Phillip he had received a copy of resolutions agreed to at an important public meeting, which had been forwarded to the Governor, but which had not yet reached him (Earl Grey) through that channel. In these resolutions the colonists expressed their regret at the delay occasioned by the loss of the measure of last year, which was similar to the Bill of the present Session. He had only to remark further, that with regard to New South Wales, the measure did not propose any change of constitution, the only question being whether the colony should not be divided into two.

LORD MONTEAGLE observed, that the Bill now proposed to be introduced was not the same as that of last Session; there was now a proposition for establishing a federal government, which was entirely new.

LORD STANLEY thought the resolutions to which the noble Earl had alluded expressed regret that the separation of Port Phillip from New South Wales was not effected last year; but at the same time the colonists expressed satisfaction at the course pursued by those of their Lordships who objected to the passing of the whole measure without a sufficient expression of feeling by the people of both colonies. It was stated by more than one of their Lordships, that if the Government would consent to separate that portion of the Bill which separated Port Phillip from the rest of New South Wales, there would be no difficulty in passing it.

EARL GREY was quite aware of the fact which the noble Lord had stated; but the noble Lord was no doubt also aware that there were certain practical difficulties in separating the two parts of the Bill which had been alluded to. The resolutions to which he had referred were passed in the town of Melbourne, and expressed regret that the Bill had not been proceeded with last year.

Subject at an end.

SHEEP AND CATTLE IMPORTATION PROHIBITION ACT.

The DUKE of RICHMOND then moved for the appointment of a Select Committee to inquire into the operation of an Act to prohibit the importation of sheep, cattle, and other animals for the purpose of preventing the introduction of contagious or infectious diseases (11th and 12th Victoria, c. 105), with a view of rendering its provisions more efficient than at present. In making that Motion, he did not introduce it to their Lordships as either a party or a political Motion, but because the Act in question was a most injurious measure, was utterly uncalled for, and was productive of great evil, and had been productive of much injury to the agricultural interest. He was not going to try to get rid of this Act of Parliament by a side wind, or by any indirect means—but the facts connected with it were of such importance that it should be known whether the importation of foreign cattle had given rise to any contagious diseases among our own sheep and cattle. He asked for this Committee not only to protect the interests of our own agriculture from injury, but also to see whether we could not prevent unwholesome food from being sold to the people of this country. As he understood that it was not the intention of his noble Friend the Vice-President of the Board of Trade to object to the appointment of this Committee, he would not trespass on the time of their Lordships further than to say, that he was quite willing to leave the nomination of the Members of it in the hands of his noble Friend.

On Question, Resolved in the *Affirmative;* the Committee to be named to-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 22, 1850.

MINUTES.] PUBLIC BILLS.—2ª Metropolitan Interments; Railways Abandonment.
Reported.—Parliamentary Voters (Ireland).

SAVINGS BANKS—STAMPS BILL.

The CHANCELLOR OF THE EXCHEQUER said, he wished to give notice, that, on that day week, he proposed to move for leave to bring in a Bill, which, although on a subject of great interest, he had not been able to do up to the present time—namely, a Bill for the future regulation of savings banks. He would here observe, that he thought it better that no discussion should take place on the introduction of the Bill, and he, therefore, hoped the House would allow him simply to make an explanatory statement on that occasion. He asked this because it was very desirable that no misunderstanding should exist upon a matter of so much importance; and as the Bill would interfere with former Acts, he doubted whether it would be properly intelligible to the public without such explanation. He would, therefore, propose to make his Motion on this Bill before the Orders of the Day. He would now also notice, as had been promised for him by his noble Friend at the head of the Government, the course proposed to be taken by the Government, in respect to the Stamp Duties Bill. The House was aware that they had gone through the clauses of the Bill, and however imperfect they had been said to be, he must remark, that there had been only one Amendment made. In the first item of the schedule, the proposal had originally been to tax mortgages and bonds at half per cent. He had received several deputations on that subject, and on the very morning he proposed it he had received a representation from parties who considered themselves more injured by the operation of the tax than any others, namely, the great railway companies: they had shown him that they must be greatly injured thereby, but would be perfectly satisfied with a quarter per cent. That was the reason he was prepared to state his willingness to reduce the duty to a quarter per cent. The House, however, thought otherwise, and a Motion was made and carried which reduced these duties on stamps and mortgages to a tenth per cent. The vote to which the House came, reduced the duty on all those securities not exceeding 50*l.* to 1*s.* If that principle, however, were to be carried out and applied to all kinds of stamp duties, such a loss would be entailed upon the revenue, that, unwilling as he should be to do so, he should be obliged to abandon the Bill. He held in his hand a report from the Board of Inland Revenue, which would shortly be printed and in the hands of Members, in which this would appear. The objection stated in the House was not to the stamp duty being reduced on smaller amounts, but that carrying up an unvarying and uniform percentage up to large amounts would be too heavy a pressure upon the parties at the higher end of the scale, and that a graduated scale ought not to be adopted. He proposed an uniform, and not a graduated, scale. The existing scale was, indeed, graduated; but it was graduated the other way — pressing infinitely more upon the smaller than the higher amounts. For instance, if a man borrowed 10*l.* he paid 10 per cent duty upon it, but if he borrowed 100,000*l.* he paid only 6*d.* per cent; it was, therefore, a graduated scale, pressing severely upon the poor man, and operating inversely as to the extent of the transaction. He did not propose to ask the House to impose upon small sums as much as they already paid; but unless he could retain that part of the measure with regard to the quarter per cent, he feared that he must abandon the Bill, as it would be impossible to forego the amount of revenue that would be lost. He had heard complaints that it was hardly fair that the duty should be carried uniformly up. The House of Commons had objected to that principle; and the objection being taken, he would submit to it. He proposed, therefore, to abide by the vote of the House for 1*s.* duty upon sums under 50*l.*, and to raise the duty 1*s.* 6*d.* for every 25*l.*, but to adhere to his own scale of a quarter per cent from 200*l.*, and carry it uniformly up to 100,000*l.* In the present scale of duty there was a limit of 1,000*l.* duty upon conveyances of 100,000*l.*, which was one per cent. He proposed to adopt the same limit, and to confine the maximum duty payable upon borrowing to the sum chargeable on borrowing 100,000*l.* That would be 250*l.* With regard to some other questions that had been raised in certain notices of Amendment given by the hon. Member for Cirencester, he had stated before that he proposed to accede to the principle of nearly the whole, with some slight alterations, and also to the hon. Gentleman's proposed Amendment on the subject of agreements. A point had been raised about settlements and capitalised annuities. Those he did not propose to insist upon; but he did propose to introduce some alterations with regard to certain stocks now exempt from duty, which, consistently with the claims upon others, ought to be called upon to pay. The right hon. Gentleman concluded by laying upon the table returns from the Inland Revenue Office on the subject of stamp duties on mortgages and conveyances.

Mr. MULLINGS begged to ask the right hon. Gentleman whether, upon the scale he proposed, the highest stamp duty of 250*l.* would be payable upon a transaction of 100,000*l.* ?

The CHANCELLOR of the EXCHEQUER said, he had already stated that upon transactions of 100,000*l.* a duty of 250*l.* would be payable.

Mr. GOULBURN inquired whether it was proposed to continue or abandon the duty with regard to contingent annuities?

The CHANCELLOR of the EXCHEQUER: I propose to give that up. I also propose to have the new scale printed. From 200*l.* the duty is a quarter per cent up to 100,000*l.*, and there it stops.

Mr. HUME suggested that the subject would be simplified if there were printed in opposite columns the amount of the duties realised by each class under the existing law, and the amount expected to be realised under the new law. He understood that, upon the whole, there would be a loss upon the new scale. At any rate it was desirable the two scales should be before the House; but he hoped the new one would not stop at 100,000*l.*, because it would not be doing justice to minor interests.

MR. G. SANDARS inquired from the right hon. Gentleman whether he intended to make any alteration in the stamp duty upon memorials?

The CHANCELLOR OF THE EXCHEQUER: Not beyond that stated in the schedule.

MR. G. SANDARS: Then I give notice that I shall move it be reduced to 1*s.*

Subject dropped.

SUPPLYING INDIANS WITH SPIRITS AT HUDSON'S BAY.

MR. CHRISTY asked the noble Lord the Secretary of State for Foreign Affairs whether his attention had been directed to a paragraph in the public papers in reference to the complaints made to Her Majesty's Government by the Government of the United States, against the Hudson's Bay Company, for supplying a large quantity of spirits to the native Indian population? Whether such remonstrances had been made to Her Majesty's Government; and whether the noble Lord would consent to a Motion that the correspondence should be laid upon the table?

VISCOUNT PALMERSTON: Her Majesty's Government, some time ago, received a representation from the United States complaining of the agents of the Hudson's Bay Company having supplied the Indians with spirits as an article of commerce. I referred that representation to the Hudson's Bay Company, and their reply was that the agents of the company did not supply spirits to the Indians in any way as an article of commerce, and that the only quantity supplied was of small amount, it being only that portion which might be given to the hunters when they came to the settlement of the Hudson's Bay Company, and which I may say was "drank on the premises." They say they have not bartered spirits for goods; but they have reason to think that the persons on the American side of the line have, by contraband, supplied the Indians with spirits. I am not aware that there will be any objection to the production of the correspondence if the hon. Gentleman will move for it.

AUSTRALIAN COLONIES BILL.

The House in Committee; Mr. Bernal in the chair.

Clause 7.

MR. V. SMITH said, that it appeared to him that they were proceeding with too much haste in carrying this Bill. The last clause, the latter part of which contained maay inconsistencies, had been agreed to with very little deliberation. As regarded New South Wales, its history could not be too frequently told, as it did not appear to be well understood. The New South Wales Bill, which some Members talked of as being a model of a Bill, was more a make-shift than a piece of legislation. From 1788 to 1823 they treated New South Wales more as a prison than any thing else; and so badly did the House treat that colony, that in the year 1823 the Government was compelled to bring in an Act of Indemnity, and from that time up to 1839 they were engaged discussing how they should deal with it. In 1840 the noble Lord at the head of Her Majesty's Government brought in the Bill under which the government of the colony was at present conducted; but he stated at that time that it was only to continue for ten years, as he thought that the colonies might in the course of that time wish for the same institutions which their North American colonies possessed. The House, however, had decided otherwise. They now proposed to leave the colonies to shift for themselves; but when he looked at the vast amount of emigration which had taken place, he thought that it was too bad to deprive them of the advice of their mother country. Their representation in the Assembly was at present inefficient. The rate of qualification was too high, as by it they excluded from the Assembly a large interest which was composed of an influential and intelligent body, he meant the "squatting" interest.

MR. C. ANSTEY wished to take the Chairman's opinion upon a point of order. The Committee were now upon the 7th clause, but the right hon. Gentleman was discussing a subject which related only to the 6th clause.

The CHAIRMAN was sure the right hon. Gentleman the Member for Northampton had too much knowledge and respect for the House to do that which was irregular. The fact was, the subjects were so intermixed that it was difficult to separate them.

MR. V. SMITH contended that he was

in order. In despatches from Sir G. Gipps in 1844 and Sir C. Fitzroy in 1848, the rights and claims of the squatting interests were admitted. Yet, from 1844 to 1850, nothing had been done for their admission to the franchise; and, therefore, he asked the House not to give their sanction to any proceeding which did not include this respectable class. Her Majesty's Government wished to leave this question to the decision of the colonists themselves; but he contended it would be inconsistent with the purpose of the Bill if that course was taken. The squatting interest would in that event have no voice along with the other colonists in many most important questions. Why, before the franchise was extended to them, duties would be appropriated, districts settled, judges' salaries fixed, and all the laws passed relative to waste lands. Under these circumstances, it was advisable for the House to consider whether, having decided upon a single chamber, they were not bound to make that single chamber a clear representation of the people. He had the best authority for saying there was no objection to the admission of the squatting interest into the Assembly, for it was composed of an intelligent and respectable body of persons; and he suggested that a clause should be introduced into the Bill to meet the case, so as to enable the Assembly to represent the whole population on those important questions, the decision upon which would afterwards become the constitution of New South Wales.

Mr. HAWES said, that the principle upon which the Bill proceeded was to leave the existing constitution of New South Wales as nearly as possible in the state in which it now stood. It might be very possible to suggest various improvements; but the object, as he had said, was not to vary or alter the New South Wales Act in any material point. The right hon. Gentleman had said that when the Bill of 1842 was introduced, something like a promise was held out that within a period of ten years the colonists would receive a representative constitution, framed upon the model of that of the mother country. Well, within that period of time this Bill had been introduced, which gave the existing legislature of that colony the power to frame such institutions as might be thought most suitable to the wants and condition of the colony. So far the promise had been fulfilled in a generous spirit towards the colonists. But the right hon. Gentleman said that there was a very important body—the leaseholders, or the squatting interest, as they were called, who ought to be represented. He (Mr. Hawes) fully admitted the importance of that object; but the Government had hesitated to introduce a clause to the effect desired by the right hon. Gentleman, because they had informed the colonists that they did not mean to make any serious alteration in their constitution without previous communication with them, and obtaining their consent. He must say, that he thought it far better to leave the existing Legislative Council to make the necessary alterations themselves, because, as the popular members were as two to one to the official members, if there was any real pressure upon them from any considerable body of their constituents bearing upon any point of reform which they wished, the representative members were both numerous and able enough to carry it.

Mr. ADDERLEY said, that the answer of the hon. Gentleman the Under Secretary for the Colonies was no answer whatever to the right hon. Member for Northampton. That right hon. Gentleman had stated that there was a large interest in New South Wales called the squatting interest, which had not at present the franchise, and was not represented in any way. Therefore, said he, if you allow the council to frame the future constitution for the colony, the most important body in the country will be entirely unconsulted in the arrangement. In reply, the hon. Under Secretary stated that which was applicable to quite another point, that he considered that what he thought the popular part of the council would carry it over the nominee part of the council. It was clear that the Government had only two courses to pursue, either to make a good constitution well, or prepare the constituent assembly to reform their own constitution. They had broadly laid down, however, that they did not undertake to frame the best constitution themselves, and, as the hon. Under Secretary had stated, had given a constitution which would not represent the feelings of the community, and in which the largest and wealthiest class would not be in any way represented.

Mr. WYLD wished to call the attention of Government to the peculiar position of Van Diemen's Land. Did the hon. Gentleman the Under Secretary for the Colonies think the existence of a free legislative assembly in that island, having full power over the taxes and the Government, compatible with the presence of a transport population amounting to 34,000? What was to prevent the Assembly from laying a tax on every individual employed as an assigned servant? The effect of that would be to have the whole convict population returned on the hands of the Government. He feared that unless some stipulation was made with respect to the convicts, they would be brought into direct collision with the Assembly of that colony. He proposed, therefore, that Her Majesty's Government should reserve to themselves full power over the convict population, and that the principal officers — the chief justice, the colonial secretary, the comptroller general of convicts, the colonial auditor, and the chief police magistrate, should form an executive council, with power to administer the law relating to convicts.

Mr. MOWATT agreed with the hon. Under Secretary that they were hardly in a position to set the question upon a satisfactory footing; but it would well become the Government to state what was their opinion of the matter more distinctly, and probably give the House some sort of assurance that they would bring it under the attention of the governors of the respective colonies.

Sir W. MOLESWORTH said, that in Van Diemen's Land and South Australia the legislatures now by law established were to possess under the Bill the power of establishing universal suffrage, and no property qualification for the elected. He wished to know why the same power was not to be given in the case of the legislatures of New South Wales and Victoria?

Lord J. RUSSELL did not think that they could arrive at satisfactory conclusions on points of detail, and thought that such questions as the right of voting and the like would much better be settled by the local legislatures.

Sir W. MOLESWORTH said, that the noble Lord had not answered the question he had put. The 6th clause enacted that "such legislatures"—those of Van Diemen's Land and South Australia—"respectively, by such laws or ordinances as aforesaid, may, if they so think fit, reduce the minimum value of lands and tenements, and the minimum yearly value of a dwelling-house required to confer the right of voting at such elections."

Mr. HAWES said, that by the 11th clause the provisions of former Acts on this subject were to remain in force. The new councils would have no such power as the hon. Baronet mentioned; but that any measure for altering a constitution would have to be sent home for the consideration of the Colonial Office and the assent of the Crown, before it could become law. He begged to direct the attention of the hon. Baronet to the first part of the clause, which enacted that the proceedings of the new councils, with reference to the alteration of a constitution, should be in accordance with "the conditions now by law required;" consequently, whatever laws were passed with respect to an alteration of the franchise, and the Secretary of State refused to give them his sanction, this House would have an opportunity of questioning the decision of the Secretary of State.

Sir W. MOLESWORTH: Then it followed that no constitution could be established in the colonies until this Bill had been sent out, and they had agreed to a constitution, transmitted it to the Colonial Office, and it was sent back to them again. Thus they would not be able to have a new constitution in a shorter period than two years. He suggested, therefore, that they should not now pass this portion of the Bill, but wait for further information from the colonies.

Mr. HUME was inclined to accept the Bill without throwing any difficulties in the way of the Government. They were making immense strides towards the establishment of free institutions in the colonies, and, therefore, he was unwilling to look too narrowly into the details of their measure. He was not afraid that, even if the four colonies sent home four different constitutions, the Government of the day would offer any opposition to the wishes of the people.

Mr. C. ANSTEY said, the colonies with which he was acquainted would infinitely rather that this Bill should be passed in its integrity than that there should even be a month's delay in its progress. He thought the hon. Baronet the Member for Southwark had not adopted a fair course towards the House and the Government in regard to the Bill.

Mr. MACGREGOR said, that no Bill would give more satisfaction to the colonies than this would; and he could assure Gentlemen who opposed it that they would get little credit in Van Diemen's Land for their opposition.

Sir W. MOLESWORTH: Was it not the fact, that two years must elapse before a new legislature could be established in the colonies?

Mr. HAWES did not think it would occupy that space of time. Undoubtedly they could not proceed to legislate until the Bill was passed. It would have been passed last year but for the multitudinous Amendments which were brought forward.

Mr. ADDERLEY said, it was clear that the plan of the Government would create far more delay than any other plan which had yet been suggested. Who was the origin of the delay which had taken place but Ministers themselves? They had been urged to proceed with the measure before Easter, but they delayed the debate a month or six weeks, in order to reproduce old despatches, from which they could draw no information whatever.

Mr. WYLD said, he would not press the Amendment of which he had given notice.

Clause agreed to, as also were Clauses 8 and 9.

Clause 10.

Mr. C. ANSTEY moved the omission of the whole of the proviso, his object being to allow the Government to have only a certain number of nominees in the chambers at first established, which should not be increased, even though an increase in the number of members constituting the assemblies should be afterwards made. He supposed the object of having a proportion of Crown nominees in the first legislative assemblies was to secure something like order in their proceedings, by infusing into them persons of education and habits of business. This clause gave the legislative councils power to alter their constitutions by increasing the number of members of those councils; but if Sir W. Denison was right in his supposition that there was not in Van Diemen's Land a sufficient number of persons qualified to constitute an assembly, this clause would, in that colony at least, be entirely inoperative. The restrictions placed on the franchise would so far narrow it that there would not be more than 5,000 or 6,000 electors in either Van Diemen's Land or South Australia; there could, therefore, be no danger that the assembly would represent extreme democratic opinions, or endeavour to enforce democratic principles; there was, consequently, no reason for increasing the number of the nominated members. He should, therefore, move the omission of the proviso which directed that the nominees should increase with the elected members in the proportion of one-third. His own opinion was, that the presence of even one nominee in these councils was too much; and his Amendment would render the legislative councils simply elective assemblies.

Lord J. RUSSELL said, that the enactment in the New South Wales Act of 1842 was, that one-third of the members of the legislative council should be appointed by the Crown, and that of the non-elected members not more than one-half should hold any office or emolument under the Crown, so that no more than one-sixth of the whole number could be officially connected with the Government. The hon. and learned Gentleman now proposed that that provision should not be carried into effect should there be any increase in the whole number of members. Such an alteration, it appeared to him, would lead to inconvenience, by giving occasion for a struggle, with the view of increasing the number of elected members, not in accordance with the requirements of the colony, but in order to disturb the proportion of the nominated to the elected members.

Mr. MOWATT concurred in the views of the hon. and learned Member for Youghal; but, as this question had been previously raised, he thought it would be inexpedient now to give the Committee the trouble of dividing upon it. He (Mr. Mowatt) had, however, given notice that on bringing up the report he would move an Amendment to reduce the proportion of nominees of the Crown to one-fourth of the number constituting the legislative councils.

Mr. ADDERLEY said, the hon. Member who had just sat down was quite consistent in the course he had pursued; but the consistency of the hon. and learned Gentleman who had moved this Amendment was not equally apparent, as he had before voted against a second chamber, to be free from the nominees of the Crown. He (Mr. Adderley) could not see why the colonists should exclude men of education and friends of order, such as the Crown proposed to nominate. The hon. and learned Gentleman appeared to have no objection that the Crown should nominate eight out of a chamber of 24, but he had a strong objection that they should nominate 12 out of 36.

Mr. C. ANSTEY would leave it to the Committee if it was fair to charge him with being favourable to give the Crown a right to nominate any portion of the chambers, seeing that he had divided the Committee on Friday night against the principle of allowing the Crown to appoint any nominees.

Mr. ROEBUCK said, he understood his hon. Friend the Under Secretary for the Colonies to describe this Bill as a mere beginning, as a sort of make-shift, which he hoped would ultimately result in two chambers. If that were so, why did not the Government leave it to the colonies to decide on the relation between those who were elected and those who were nominated by the Government?

Mr. HAWES said, he had before distinctly stated that the Government professed to stand on the Act for New South Wales, which had worked well, and against which no complaint had been made.

Mr. ROEBUCK said, that in order to alter the constitution, it was necessary to have a large preponderance—he believed two-thirds—of the whole Assembly. He could not understand, therefore, why the Government should press for this number of nominees, if they intended the constitution ever to be altered, and if they had the confidence which they professed to have in the colonists.

Amendment withdrawn. Clause agreed to.

Clause 11 was agreed to, with some slight verbal amendment.

Clause 12.

Sir W. MOLESWORTH said, the clause only applied to the four colonies of Victoria, Van Diemen's Land, South Australia, and Western Australia. He should wish to hear some reason assigned for omitting New South Wales from the list.

Mr. HAWES said, he could not give an answer at that moment, but he rather thought that the object was to make no alteration in the system that already prevailed in New South Wales.

Sir W. MOLESWORTH thought the salary ought not to be altered during the period that a judge retained his office. To effect such alteration in New South Wales, the previous consent of the Colonial Office was necessary, and he should like to know why a different rule was to be applied to the other colonies?

Mr. HAWES said, he was very much disposed to agree with what had fallen from the hon. Baronet, but he was not at that moment prepared to explain the meaning of the clause. He hoped, therefore, that the Committee would allow the clause to stand over until he could inquire into the matter.

Mr. ROEBUCK objected to the power of altering judges' salaries being given, at least without reserving to the Government a right of considering the matter afterwards. As his hon. Friend did not understand the clause, he was sure no other occupant of the Ministerial bench knew anything about it.

Mr. V. SMITH said, what the Committee wanted to know was, what the intentions of the Government were with regard to this most important point.

Lord J. RUSSELL said, his right hon. Friend knew very well that the power of the colonies to deal with certain subjects depended very much on the instructions sent out by Her Majesty's Government to the Governor of the colony. The Governor was instructed to reserve certain subjects of legislation for consideration by the Home Government, and not to assent to them until he received the advice of the Colonial Office. But there were also certain alterations which the Governor was absolutely prohibited by Act of Parliament from acceding to; and among these was the question of the judges' salaries in New South Wales. The present clause merely went to remove that prohibition in the case of the other colonies; but the Governors would, of course, still act under the instructions which they received through the Colonial Office.

Mr. ROEBUCK wished to know whether the Government admitted the principle that the salaries of existing judges should not be interfered with?

Lord J. RUSSELL quite agreed with the hon. and learned Gentleman, that the salaries of existing judges ought not to be interfered with; and he was quite ready to agree to a proviso, if the hon. and learned Gentleman thought fit to insert one, that the salaries of judges should not be interfered with, so long as they held office.

Clause agreed to.

Clause 13.

Mr. J. E. DENISON wished to call attention to the subject of the disposal of the waste lands of the Crown, which by the Bill was vested in the Federal Assembly—a tribunal which, he believed, would never meet, for if—as had been stated, it would be difficult to find men of leisure and independence to form a second chamber, it must be much more difficult to find such men willing to take a long voyage to meet in general assembly, where they would have nothing of importance but this question to discuss. Earl Grey "anticipated that, for the present, that part of the Bill would probably be inoperative;" and the Governor of Van Diemen's Land and the Legislative Council of South Australia did not regard this as a good tribunal to create for the consideration of such a question. The people of South Australia were satisfied with the present upset price of land, and he felt indisposed to allow any change. In Van Diemen's Land, on the contrary, the land was so much improved, that it might be considered as an agricultural country, and the means of communication had been extended so much recently, that in a short time few districts would be more than sixty miles from water carriage, so that the colonists were prepared to demand a higher price than was obtained at present. The case was, he was sorry to say, very different in New South Wales. The soil was so destitute of water, and in many districts so sterile, that it might be considered a purely pastoral country. It was, in fact, one great sheepwalk, without any internal water communications, and but little chance of extensive improvement. Formerly the price of land in New South Wales was *5s.* an acre, but the Colonial Office had raised it to *20s.* The House might judge what was the real value when he told them it required six or seven acres to feed one sheep. The report of a Committee of the House of Assembly contained a few facts as to the result of the rise in price, which he would state to the House. While the price was at *5s.* an acre, the sales of land had been in 1837, 368,000 acres, in 1838, 315,000 acres, in 1839, 285,000 acres, in 1840, 189,000 acres. The price was raised to 1*l.* in 1842. Let them mark the effect. In 1843 the sales of land amounted to 4,000 acres, in 1844 to 4,200 acres, in 1846 to 8,000 acres, and in 1848 to 7,000 acres. That could not have been caused by any falling off in population, for the number of colonists had increased from 85,000 in 1837 to 196,000 in 1846, and a corresponding increase had taken in wealth. The advance in price, instead of checking jobbing and favouring immigration, as intended, was said in the report to have promoted the one and to have prevented the other, while it annihilated the value of land. That report had been laid before the Land and Emigration Commissioners, but those gentlemen, so far from thinking the price of land too high, said it was not high enough; and no change had taken place, though he hoped the Government would seriously consider the subject. The next question to which he wished to draw the attention of the Committee was, what would be the effect of leaving the management of the land fund to the Federal Assembly? According to the proposed constitution of that body, New South Wales would have 12 Members, Victoria 4, Van Diemen's Land 5, South Australia 4. So that New South Wales would have a greatly preponderating influence on the spot, and would no doubt use that influence to reduce the price of land. He asked hon. Gentlemen who were anxious to keep up the price to see if that would not be the result, and he could not think the Government meant to retain their present proposition. Connected with that subject was the very important question whether any interest was to be reserved in these lands for the labouring poor of this country. At present half the purchase money was appropriated to the purposes of emigration, and he could not think it unjust to ask the colonists that a certain portion of the land fund should be distributed in the same way. An immigration of a new character was going on in New South Wales. It had been found easy to import Chinese, who answered very well as shepherds, at a cost of 10*l.* each, and with annual wages of about 6*l.*, while an emigrant from this country would cost about 15*l.*, and had wages of not less than 18*l.* It was not improbable, if the matter was left in the hands of the colonists, that the disposition towards such an immigration would increase. That was a subject not unworthy of consideration, and he hoped Government would look to it. The next question was, in whose hands would Government place the managing and controlling of the lands? He thought that the respective legislatures of each colony should possess the power over their lands, as they would be far more likely to do justice than the Federal Assembly. He had given notice of an Amendment to that effect, and would submit it to the consideration of the Committee, unless the noble Lord gave some reason for the present course, or offered some better suggestions than he had been able to make.

Lord J. RUSSELL hoped his hon. Friend would hear the course it was proposed to take on this question before he pressed his Amendment. The hon. Gentleman had alluded to two evils complained of in New South Wales as growing from the prices placed on the waste land; but he had not adverted to the previous history of several of our colonies, in which the grants of waste lands had produced the greatest evils, and had been fatal and destructive to the interests of the colonists. Western Australia, for instance, which had been founded with the best intentions by Sir George Murray, when Secretary of State for the Colonies, had never been able to make any effectual progress, owing to the very large grants of land made to the early colonists. There were several other colonies in which at the present time this was the source of constant dispute, and where the making of roads, the improvement of the land, and the condensation of the inhabitants, were prevented by the immense tracts of land in the hands of single proprietors, who could not improve or cultivate it. These evils had been brought before the public with great ability by Mr. Wakefield; and in 1831, Earl Grey, who was then Under Secretary for the Colonies, proposed to the Earl of Ripon to introduce a plan of sale of *5s.* an acre in the Australian colonies, which was approved of and adopted by the Earl of Ripon. Afterwards the price was raised to *12s.* an acre, and subsequently to *1l.*: but during that period there had been considerable discussion always going on; first, as to the principle of the scheme itself, and next as to the alterations in price, which were said to be made capriciously, and which, whether made capriciously or not, being subject to fresh views, could never be of a uniform character; so that the system could not give security to the person who had bought land that there would not be a sudden fall in price. After matters had gone on in this way for some time, and after a thorough inquiry into the subject by the Committee on South Australia, a Bill was introduced, which passed in 1842. The hon. Member for Malton had omitted that part of the consideration, for, after the Bill was passed, it was no longer a question for the Colonial Office, but one settled by Parliament, who decided by the 5th and 6th of Victoria, c. 36, that there should be a certain price for these lands. The preamble declared there ought to be a uniform system, and then proceeded to provide how the waste lands should be disposed of, and also that the power which had hitherto been exercised of licenses for pasture should not be prevented; but that the licenses for occupation, given by the Governor, should not exceed twelve months in duration, thus leaving the land to be occupied at a much lower rate, and reserving the power, if the land was likely to sell at *20s.*, of refusing to continue the license. In another part of the same Act, after providing for all expenses of survey and management, a clause enacted that the gross produce should be divided into two parts—one to be appropriated to the public service of the colony, the other to the emigration of persons from the united kingdom. In making provision with respect to the waste lands in the present Bill, the Government were desirous to preserve the uniformity which had been the object of the former Act; and they considered that if each colony was to have its own separate system of disposing of the waste lands, there could not be any uniformity; but that, the price being considered high in one colony, the legislature of another might think it a temptation to lower the price, and thereby considerable evils would be produced. He did not know whether the Congress of the United States allowed each State to put a separate price on its own land, but rather thought Congress decided that question. The plan of his hon. Friend was objectionable for the reasons he had stated; but he (Lord J. Russell) admitted that, on reconsideration of the plan he proposed, there were many valid objections to giving to the Federal Legislature the power of control as to the waste lands. There had been a despatch very lately received from the Governor of Van Diemen's Land, entering at length into the subject, but he (Lord J. Russell) must confess he had not yet had time to peruse it carefully. The despatch alluded to some resolutions of the Council of New South Wales, which had not yet been received here, and of which no notice had yet arrived from the Governor. Such being the state of the question, and the Government thinking it was not likely this Federal Legislature would very soon be brought into operation, he must confess he thought the better course would be not to introduce into this Bill any provisions on the subject, and thereby to leave the question of the waste lands as it at present stood. There might be some alteration of the law made hereafter which might be more satisfactory to the colony than the present arrangement; but he concurred with the hon. Member for Malton in thinking that the promoting and facilitating emigration from the united kingdom to the Australian colonies, was an object which would not only be advantageous to this country, but likely to be of benefit to those colonies, and that in all our legislation that object should be kept in view.

Mr. DIVETT was delighted to hear what had fallen from the noble Lord, as it was perfectly in accordance with his own convictions. With regard to the Federal Assembly, he agreed with his hon. Friend the Member for Malton, that the Federal Assembly would be perfectly inoperative. There was a strong disposition among what might be called the outer colonies, not to let the powerful legislature of Sydney override them, and they were more disposed to draw their connection closer with the mother country than with each other. The noble Lord, in the statement he had just made, had met an amendment which he was about to propose, that the question of waste lands should be kept as it was settled by Lord Stanley's Bill in 1842. He had given great attention to the working of that Act, and he was satisfied that it was well fitted to assist in removing large masses of our population from this country to Australia. Of the 300,000 who left our shores last year, 30,000 went to Australia, and 270,000 to the United States; and though he did not suppose that these numbers would ever be reversed, or even that the figures could be kept up in succeeding years, still he believed that if this measure were let alone, an increasing number would be found every year to go to the Australian colonies. After having given much attention to the subject, he was convinced the system of selling land at the minimum price of 20*s.* an acre was the best that could be adopted, and that each emigrant got full value for his money. After the fullest consideration which he had been able to give to the subject, he felt quite persuaded that the best course to pursue with respect to South Australia consisted in a close adherence to the present system, as far as regarded the sale of land; and in that opinion he begged to observe that he was by no means singular. He had an extract from the *South Australian Gazette and Mining Journal* of the 2nd November last, in the sentiment of which he agreed completely, with one exception, and that was where an expression was used which cast a reflection upon the Colonisation Commissioners. Now, he had watched the proceedings of these commissioners closely, and he felt quite satisfied that they had shown the greatest possible wish and anxiety to do their duty faithfully to the colonies and to the labouring population of the mother country. The writer of the article asserted that to reduce the minimum price of waste land in the colonies would be most objectionable. It would be destructive of the main source of their prosperity. And he then alluded to the conduct of what he called "the present plundering and reckless commissioners," which was the expression he (Mr. Divett) disapproved of, and thought unjustified; and recommended that the expenditure of the revenue derived from the sale of the waste lands should be entrusted to some paid servants of the colonists themselves. Now, having said that he approved of the sentiments expressed in that article, he would beg leave to refer to the Act of 1842 (Lord Stanley's Act), which was the present law. He differed from his hon. Friend the Member for Malton as to the effects produced by that Act. The depression of which his hon. Friend had spoken had been produced by a variety of causes. The depression in the price of wool was one; and the squatting system was not to be overlooked in its operation and consequences. The individuals holding licences for pasture in 1849 numbered, in the middle districts, 1,520, and in the Port Phillip districts, 827, in all, 2,347; 685 of whom held more than one licence each. Of those, 298 held more than 60,000 acres each; 73 held above 100,000 acres; 33 held upwards of 150,000 acres; 24 held above 200,000; 14 above 250,000; 3 above 300,000; 4 above 350,000; 2 above 400,000; 1 above 555,000; 2 above 600,000; and 2 held above 800,000 acres each. The gentleman who had given him that information asked what inducement could those men have to buy land at any price? They did not even want labourers from this country, for they were satisfied with such Chinamen, Indians, and South Sea islanders as they could occasionally import for trifling wages. They had no motive for buying land except small freeholds occasionally for building purposes. He (Mr. Divett) was not going to object to the system of granting those licences; he merely stated certain facts connected with them. As to South Australia, the Act came into operation there on the 1st of January, 1844, and between that and the 31st of December, 1848, 201,144 acres of land were sold, and they produced no less than 258,739*l.* 14*s.*, being an average of about 25*s.* an acre. It had given him great satisfaction to hear the noble Lord at the head of the Government say that he intended to adhere for the present to a system which had conferred such numerous benefits upon the colonies.

Mr. ROEBUCK rose for the purpose of making one or two suggestions. The noble Lord at the head of the Government had stated that he was not aware of the course which the Congress of the United States took with regard to their waste lands. Now, whatever that course might be, there was one matter respecting them in which the American Congress pursued what appeared to him a very wise course—they defined the limits of all places under their authority, and thus prevented disputes respecting those waste lands that ought to be at the disposal of the general government of the country. In his opinion, definite and not very wide limits should be assigned to our existing colonies in Australia, so that the tracts of land intervening between each of those colonies might be at the disposal of the Imperial Government. So long as there was a possibility that any individual colony could lay claim to a large extent of waste lands, so long would there be grounds for quarrels and disputes respecting the tracts which might lie outside the proper but yet undefined limits of a colony. When the noble Lord said that he saw no near prospect of the meeting of a general assembly in Australia, he (Mr. Roebuck) did not agree with him. No one would have thought in 1670 or 1680 that there would have ever been a congress assembled in America, yet fifty years afterwards there was assembled a meeting which was the germ of the United States; and it should be remembered that that was in an age when there were no railroads. It was scarcely safe to hazard any prediction when we remembered how men were now enabled to coerce nature. Let them look at what might be done by means of railways. [*Laughter.*] Hon. Members might smile, but they would soon hear of railways running through wide tracts of desert places. There was one line at present laid down which passed over a tract of sixty miles, on which there was not at present a single house. Let the people of Australia be allowed to look forward to the time when a general assembly might meet there, for they would soon become a great people. He wished to recur to the suggestion that he had thrown out, namely, the expediency of assigning limits to all our colonies in that part of the world, without which provision he conceived it to be utterly impossible that quarrels between neighbouring and rival States could be prevented. By taking timely measures of that kind, they would soon be enabled to see what amount of land they might have available for, and as an appanage of, the poor of this country; and in planting colonies the Government of Great Britain ought not to proceed as if they were establishing something subject and inferior to this country; but, on the contrary, they ought to regard such colonies as an extension of England. They should show the world, that though the seat of government was placed in an island, the limits of which were contracted by nature, yet the great spirit of the people carried them far beyond those contracted bounds, extending their country to the most remote parts of the globe. But, though he thus contended for defining the limits of colonies, he desired to see every colony in possession of control over those lands which lay within their own boundaries. He would put this case:—Suppose it was thought desirable to plant a new colony—was any one at present prepared to say what land lying between Sydney and Port Phillip could fairly be declared to belong to neither?—were there defined limits to Sydney and Port Phillip? He earnestly entreated the Government to take the common precaution of defining the boundaries of those settlements, and not give up all intervening spaces to the existing colonists. In British North America, we did not possess now the power of taking any such precautions; but he hoped that in Australia they would not be neglected till it was too late.

Mr. AGLIONBY said, as the noble Lord did not intend to make any alteration in the disposal of the waste lands, he should not have troubled the House with any remarks, had it not been for the hon. and learned Gentleman's speech. Much of that hon. and learned Member's argument he agreed with, but there was a fallacy in some parts of it, which he wished to point out. He considered the suggestion for defining colonial limits as an admirable and valuable suggestion, and worthy of adoption. The next point of the hon. and learned Member had reference to the disposal of the waste lands. The hon. and learned Gentleman wished the outside lands should belong to this country, and the lands inside the boundary to the local legislature. He did not see this was a necessary conclusion to the premises of the hon. and learned Member. He did not see why the lands inside the limits of the colony should belong to the colonists, any more than the lands outside of the limits. He was of opinion that colonists had no right to dispose of or claim any right over the waste lands of colonies which they never bought. The only plea which could be urged in favour of such a practice was expediency; but was it expedient in the present case? It would not be safe to give the colonists power over the waste lands or the funds which waste lands might produce; nor did he think it was expedient that the price of land should come from that quarter. Until separation from Great Britain took place, he should advise the House not to place the power over these lands in the hands of the colonists.

Mr. J. B. SMITH was very glad that the noble Lord had consented to withdraw that part of the clause which related to the sale of the Crown lands. He would be disposed to give to the colonists full control over all the revenues of the colonies, if they would undertake to bear their own expenses. They had made a great mistake when dealing with Canada, in not having made such a bargain with the inhabitants. The consequence was that the colony was an enormous expense to this country. The present was the proper time for a revision of our colonial history. Adam Smith had said that our colonies were a source of constant loss to us. What were they now? From the last returns of exports made up in 1848, he found that the total value of goods exported to those colonies that did not pay their own expenses, amounted to only 7,150,000*l.*, whilst they cost this country between 4,000,000*l.* and 5,000,000*l.*, besides what was paid to them for the sugar monopoly, by which they received more from this country than the market price by 1,800,000*l.*, and the timber monopoly, which cost us 1,700,000*l.* more. So that the total cost of the colonies to this country was about 7,500,000*l.* per annum.

Mr. DISRAELI rose to order. The Committee were now discussing the 13th clause of the Australian Colonies Bill, and he wished to know whether the Chairman thought the hon. Member had a right to discuss the question of the sugar trade thereupon? He believed that Australia was not a sugar-producing colony. He wished the Committee to proceed with the Bill before them, not in a hurry, but at least in a business-like manner.

The CHAIRMAN understood that the hon. Member for Stirling was about, by some analogy, to state certain arguments against the 13th clause of the Bill. At present he could not pretend to predict whether the hon. Member's analogy was likely to be made out.

Mr. J. B. SMITH wanted to show that our policy hitherto in giving away the Crown lands had been wrong. It was just the reverse of that which was pursued by America with regard to her colonies. In America the revenue derived from the sale of land, and the revenue derived from imports, went to the support of the Government, and each of the States maintained itself by direct taxation. Our colonial policy, he maintained, had been injurious, inasmuch as we had given up to the colonies the Crown lands and revenues. He should be glad to know from the noble Lord whether this was not a favourable opportunity to propose to the colonies to pay their own expenses on condition of having their own Crown lands and revenues.

Mr. LABOUCHERE was not aware that any such negotiations were upon the tapis. They were negotiations, indeed, the difficulty of entering on which was obvious. But he might say in reference to the subject, that although he would be ready to concur in all feasible means for reducing colonial expenditure, yet that he would never consent to give up, on the part of the central Government of the British empire, the right and the duty of defending our possessions in any quarter of the globe.

Mr. ROEBUCK wished to know whether Government intended to press the clause as it stood in reference to the management of the waste lands; or whether they intended to postpone it for the present? The question was whether the waste lands were to be confined to the Imperial Government, or to be left to colonial administration?

Mr. HAWES explained that the clause, as it now stood, maintained in the hands of the Imperial Government the management of the waste lands. It was proposed not to interfere with the Appropriation and Land Sales Act, but to leave it in all its integrity.

Mr. DISRAELI said, that there was an important point as to the settlement of the boundaries of different colonies which ought to be taken up by Government.

Mr. HAWES replied, that the House must not understand that no boundaries had been fixed. In this very Bill a boundary was laid down between New South Wales and Victoria. The South Australian boundaries were also settled by it. The boundary of New South Wales to the north was not indeed fixed by the Bill, but a power existed under Acts in force of defining it.

Mr. DISRAELI observed, that the question was not merely of drawing limits between colonies, but between the colonies and the waste lands.

Mr. ROEBUCK advised the Government to settle the limits of the different colonies in the strict topographical manner adopted by the United States, and above all things to make these limits as narrow and as circumscribed as possible.

Mr. ADDERLEY admitted that this was a question beset with much difficulty. He was satisfied that the arrangement proposed in the Bill for the disposal of waste lands could not possibly be carried out, and he was glad that the Ministry had gone so far as to concede the point that it would be injurious to leave the disposal of those lands with the general assembly. As to the general assembly, the proposal to make it compulsory would be the most direct mode of defeating it, for he believed that the surest way to prevent its taking place would be to dictate it. But whether the general assembly took place or not, a body so constituted was the very worst to which could be committed the charge of the waste lands; and he need hardly point out the impropriety of placing the sale of waste lands—an everyday matter of arrangement—in the hands of a body that would not be in existence for years to come, if it ever existed at all. The question before the House, then, was whether, as proposed by the hon. Member for Malton, the power of disposing of waste lands should be given to the local colonial legislatures, or left with the Board of Commissioners on Land and Emigration? Now, as regarded the operations of this latter body, he would call the attention of the economical school in the House to one or two facts. The Land and Emigration Commission spent 14,000*l.* a year in their office. Of this, 8,000*l.* went to the salaries of the officers, and the remainder was spent in some other way. Every year 50,000*l.*, on account of land sales, came into their hands, and the number of emigrants they sent out was 2,000 a year; that was to say, the commission spent at the rate of 20*l.* per head on every emigrant sent out to Australia, being something about 100 per cent more than emigrants could be sent out for by other means. Now, he thought this was rather an extravagant way of managing matters. The resolution to sell lands at a minimum of 1*l.* an acre had a tendency to check emigration, and ought therefore never to have been adopted. Those who held that waste lands in the colonies were an appanage of the poor in England, would, he hoped, acknowledge that it was for the benefit of the poor that such lands should be managed as wisely as possible; and, if so, why should they be put into the hands of those who by their measures checked emigration, and destroyed the advantages that would otherwise flow from a judicious administration of those lands? He only rose, however, to say, that to deprive the colonists of the power to dispose of the waste lands, would be at variance with the principle laid down by the Government, that all local questions should be left to the decision of the colonial legislatures.

Sir W. MOLESWORTH was glad to hear the announcement which had been made by the noble Lord at the head of the Government; but if the hon. Member for Malton had moved his Amendment, he should certainly have seen it his duty to support him. He agreed with what had fallen from the hon. and learned Member for Sheffield, that they should without delay proceed to place these waste lands within the narrowest bounds.

Sir J. GRAHAM agreed with the hon. Gentleman the Member for North Staffordshire, that this was a most difficult part of the subject, but at the same time it was a most important one to the people of this country. He understood the hon. Member for Malton did not mean to press his Amendment, but that he meant rather to reserve his proposition till the bringing up of the report. Perhaps, however, he (Sir J. Graham) would be allowed, with a sincere desire not to increase the difficulty, very shortly to state what course he would be prepared to take. He thought the noble Lord at the head of the Government had come to a wise determination in agreeing to withdraw the decision with respect to the waste lands from the general assembly that was to be created. He would venture to express a strong opinion that the suggestion offered by the hon. and learned Member for Sheffield was a most important one. It was an Amendment of the Act of 1842, and he thought it was one well worthy the consideration of Government. If he understood the proposition of the hon. and learned Gentleman, it was that it was desirable to narrow and define the waste lands within the limits of each colony, and leave the disposal of those lands to the colonists themselves; but that everything beyond those limits, as strictly defined, should be left to the disposition of the Imperial Parliament. That would, in his opinion, be a certain means of preventing much confusion and future discussion, while it would retain to the Crown undisputed possession of everything without the limits so narrowed and defined, and reserve to the people of this country, through imperial authority, direct access in the easiest way to the waste lands. He thought, therefore, that Her Majesty's Government ought seriously to consider a proposal so well worthy of their consideration.

Mr. J. E. DENISON said, the noble Lord at the head of the Government had in a thin House made a very important alteration in this Bill. The management of the waste lands, which by the Bill was to have been given to the general assembly, was now withdrawn altogether from colonial authority. The House had now to consider the position in which this matter stood. When the Bill was introduced last year, it contained no provisions as to waste lands at all. The noble Lord was asked whether he intended to withhold the administration of waste lands from the colonies. After considering the matter for a few days, the noble Lord came down to the House, and said it was the intention of Government to concede the management of waste lands to the colonies. Now this had gone forth to the colonies, and when they received intimation from all the colonies of the great gratification with which the Bill had been received, he did not know how much of that gratification was not to be attributed to their supposing that they were to have the management of the waste lands. He admitted the question was one of serious difficulty; but whether they should withdraw from the colonies the management of the waste lands, was a matter to him of serious doubt. He did not know whether he exactly understood the right hon. Gentleman who last spoke, and who proposed that the limits of the various colonies should be distinctly marked out, and that all the land beyond those limits should be reserved for the appropriation of the Home Government, and that all within those limits should be conceded to the colonies. [Sir J. Graham intimated that that was his meaning.] The right hon. Baronet, then, supported his proposition. He had stated that a great and important alteration had been made in the Bill. He thought it highly improper that the House, on so short a notice, should decide the question. Under the circumstances, he should, with the leave of the House, not bring forward his Amendment now, but he should withdraw it until the bringing up of the report. A despatch from Sir W. Young had been spoken of as having been received. He thought it should be laid before the House before the Bill was further proceeded with.

Mr. AGLIONBY said, in spite of what had fallen from the hon. and learned Member for Sheffield, he again protested against the British people being deprived of what he conceived to be their rights. He would ask the right hon. Baronet the Member for Ripon whether he had considered the question in detail, or merely affirmed the general principle? He thought there would be great difficulty in defining the limits of a colony. He could see no distinction whatever between waste lands within the limits, and waste land without the limits.

Mr. ROEBUCK said, a great many suggestions had been offered to the noble Lord at the head of the Government as to what he ought and what he ought not to do. He would suggest to him one thing—that he ought not to permit that pseudonyme attached to a company which went and obtained from the wild inhabitants, for a factitious price, a supposed power over large tracts of territory, to interfere with his arrangements. It was very desirable that the limits of each colony should be made plain and simple, dependent in some measure on its geographical formation, before grafting on it a power of disposing of lands. By the mere fact of its being defined to be a certain colony, they gave to it a certain body of laws. After that was done, the people might be allowed to dispose of their own land; for their interest was so bound up in the small areas to which they belonged that they were beyond the power of jobbing. All without the limits would be available for purposes of imperial concern.

Sir J. GRAHAM trusted, that the limits of each colony would be narrowed and defined with respect to the waste lands. Certain clauses in this Bill specified the boundaries of New South Wales on the southward; on the northward, he understood, no limit whatever was assigned.

He thought, with the hon. and learned Member for Sheffield, that the land to which the Act of 1842 applied, should be narrowed and contracted, and all beyond those limits held at the free and unfettered disposal of the Imperial Parliament. Within these limits, he concurred with the hon. Member for Malton in thinking that the disposal should be given to the Colonial Governments.

Lord J. RUSSELL said, the subject would of course receive every consideration; but he thought it well to mention that there was now a power, by the Act of 1842, to issue letters patent under the Great Seal, by which the limits of the colony of New South Wales might be defined. He thought it important also to mention that though there existed those powers for assigning limits to that colony, and making provision for the government of places beyond those limits or elsewhere, the question was a very different one from any of a similar kind that might occur in North America; because where there were great districts of pastoral country, with few inhabitants, they must be ruled by an authority from a distance, not having the means of government within the district. This was a practical difficulty, and one which must be considered amongst other matters.

Mr. J. STUART thought that the doctrine propounded by the hon. and learned Member for Sheffield, and countenanced by the right hon. Baronet the Member for Ripon, required serious consideration. As he understood the proposal, it was this, that in this Bill relating to a constitution for New South Wales, the limits of the colony should be accurately defined within which the constitution was to exist, and that all the territory beyond the limits of the colony should be reserved to the Crown, with a right to the Crown to make grants of the lands so reserved and excluded from the scope of the constitution. Supposing the limits of the colony accurately defined, and a grant made beyond them, under what law or what constitution would the person receiving such a grant hold his property?

Mr. WALPOLE admitted that the difficulties of the question were so great that the Committee could not at present come to a decision upon it. As the matter at present stood, the noble Lord had consented to withdraw the power conferred on the colonial legislature, by the 32nd clause, of granting waste lands. They were, therefore, driven back to the 13th clause, which related to the sale of waste lands, and to Lord Stanley's Act. He thought the hon. and learned Member for Sheffield had made a most invaluable suggestion. Within the limits of the colony the local legislature should have the fullest power of dealing with all matters relating to the colony. It was of the utmost importance in granting privileges to the colony that they should be liberal and complete. In answer to the hon. and learned Member for Newark, he might remark, that the Crown might have the power of extending the jurisdiction of the colony from time to time, or of creating a new colony. The question of waste lands was particularly important at the present moment. In New South Wales the squatting district was some 1,600 miles by 300 broad. They had been told that several persons had obtained land in that district for sheep-walks; some to the extent of 150,000 acres, some 300,000, and two to the extent of 800,000 acres. He hoped the Government would consider the question, and give to the colonial legislature the fullest power over the lands within the limits of the colony, reserving to the Crown the right as to lands beyond that limit.

Mr. M'GREGOR believed the system they had hitherto pursued in the Australian colonies with regard to the sale of land had not been judicious or successful. Instead of setting it up at high prices, they should have sold the land land at low prices; and, instead of having an establishment in this country for promoting emigration, the utmost they should have done was to make due preparation for the emigrants on their arrival in the colonies. He concurred with the opinions which had been expressed by the right hon. Baronet the Member for Ripon, and approved of the suggestion which had been made by the hon. and learned Member for Sheffield. The matter required consideration; and he would advise the noble Lord to leave the question concerning waste lands altogether out of this Bill, and reserve to the Government the power of adopting such measures with respect to the waste lands as more accurate information on the subject might suggest.

Mr. ADDERLEY wished to know, before agreeing to the clause, if there would be another opportunity during the progress of the Bill of considering the question of waste lands?

Lord J. RUSSELL replied that there would be another opportunity on the bringing up of the report.

Clause agreed to, as were Clauses 14 and 15.

Clause 16.

Mr. ROEBUCK took occasion to suggest to the noble Lord at the head of the Government whether he should not introduce some provision into this Bill for the creation of a supreme judicature, having the power to adjudicate on questions of dispute arising between the different Australian colonies.

Lord J. RUSSELL would take the hon. and learned Gentleman's suggestion into consideration.

Clause agreed to.

Clause 17.

Mr. LUSHINGTON:* Sir, though it is of course my intention to confine my observations to the special points of this Bill, on which I am to move an Amendment, yet I may, perhaps, be permitted in the first place to state that I listened to the able, instructive, and enlightened speech which the noble Lord at the head of the Treasury delivered on his introduction of the Bill, with great pleasure and satisfaction; because I discovered in it a desire to conciliate the colonies to which he referred, and a disposition to restore that cordiality and confidence in the Home Government on their part, which past transactions have unhappily contributed to impair; and I would say this with the greater force and earnestness, because I should deeply regret that anything which I may say in this House, or may have done out of it, should be deemed to be inconsistent with sincere respect for the noble Lord's public services, or my general attachment to his Administration.

I have, however, to make one important exception. Speaking more particularly, for instance, of New South Wales and Van Diemen's Land, one branch of the administrative arrangements appears to me to be of a character highly obnoxious to the feelings of the colonists, and calculated to produce in its operation extensive social mischief. The Bill provides for the present maintenance, with certain conditions, of the existing constitution in New South Wales, and enables the colonists eventually to effect in it a most essential alteration. Laws for the peace, welfare, and good government of the country may be conclusively enacted there, and the taxes may be raised, appropriated, and issued by local ordinance; but here the confidence ends, and an ungenerous distrust ensues. The colonists may make laws, raise money and spend it, they may even remodel their constitution—but in matters of religion, that concern the dearest of all things to all men, of which all mankind is supremely jealous, the resolutions on that vital and delicate point must be subjected to the confirmation of Downing-street officials. Thus, when Port Phillip shall have been erected into a separate colony, the sum of 30,000*l.* now appropriated out of the colonial revenues by Act of Parliament, for the maintenance of religious worship for New South Wales, including that province, is to be increased to 34,000*l.*, of which 6,000*l.* is to be assigned to Port Phillip, under the name of Victoria—a distinct annual sum of 15,000*l.* being allotted to Van Diemen's Land; and this aggregate of 49,000*l.* is not to be diminished nor altered without the previous sanction of Her Majesty.

These colonies are now blessed with four Established Churches. The Church according to the Established Church of England, the Church according to the Roman Catholic faith, the Church according to the Presbyterian ritual of Scotland, and the Church according to the Wesleyan communion, the grant being distributed in proportion to the numbers of each sect.

On the revisal of the sums allotted to the sustentation of public worship, it was discovered that an undue proportion had been given to the Church of England; but this inequality was redressed by the Order in Council, not by a deduction from the share of the latter, but by an additional charge on the public revenue. A notable contrivance, under which the colonial community have been further mulcted, in order to make an unjust preference quadrate with an arbitrary assessment. What a halcyon state of things! Four establishments (Benjamin's share given to one, as if purposely to irritate) containing as it were the elements of a well-known mixture—the sweets of religious predominance and class assumption, combined with the concentrated acid of discord and recrimination.

Sir, the 17th clause, if passed in its present shape, will have the most exasperating effect in the colonies concerned. It is not only a violation of religious liberty, but it implies an ungenerous and degrading imputation, that the colonies themselves are unwilling to make provision for the support of religion in any manner, an imputation which their efforts in this respect most fully disprove. I will not touch the Dissenters, who reject all State aid, but I will show what the Church of England can do on the voluntary principle. If hon. Members will take the trouble to refer to page 97 of the blue book, entitled, *Further Correspondence on the subject of Convict Discipline and Transportation.* they will find a letter from the Bishop of Tasmania to the Governor of Van Diemen's Land, stated, that during his episcopate, the members of the Church of England alone, have, without the aid of Government, erected twenty buildings for Divine worship (most of them of a humble description it must be admitted), besides endowments, both in money and lands; 36,000*l.* has been subscribed by private liberality; and the Bishop calculates that from the same source, 1,000*l.* a year can be raised for the purposes of religious instruction.

In South Australia, the Ecclesiastical return in the blue book, specifies 16,689*l.* as the amount of private funds contributed to the Church of England places of worship from the first settlement of the colony, and 2,157*l.* as the amount contributed by the local treasury in aid of their erection. The people of Sydney, in addition to their payments for Christianity, voted 1,000*l.* for a Jewish synagogue. This last vote does not appear to have been allowed by the Government, otherwise we should have had a fifth Established Church in Australia, and that a Hebrew one.

Although at least one-third, probably one-half, of the entire population of New South Wales, including Victoria, derive no benefit from this Parliamentary assessment, because it is contrary to their religious principles to accept State support, yet it cannot be supposed, that if you left the discretion to their exercise, they would seek to withdraw any portion of the allowance from individual holders, or that the colonists at large would wildly and wantonly disturb existing arrangements, without providing an equivalent on the voluntary principle. The people of Adelaide, on the contrary, have openly promised to furnish the substitute. The Council of the South Australian League say, in one of their addresses with reference to the renewal of the grant for public worship—

> "Let the grant be rejected, and an appeal made to the whole Christian community; and if it is not responded to by a contribution more munificent than the sum voted by the Council, then let voluntaryism be pronounced a failure."

Again, addressing the Bishop of Adelaide, their language is most generous and conciliatory:—

> "Yield then to us in a spirit of Christian courtesy, what we think and claim to be our right; deprive us of the possibility of a future victory by defeating us now by kindness; and you at once call upon our gratitude to concentrate the energy we are prepared to put forth in a long and sustained contest, into an effort for your assistance, so far as you may require or accept it."

Trust, then, to the generosity and good feeling of the colonists, and they will requite you with liberality and forbearance. If, on the contrary, you treat them with distrust and insult, you must prepare to encounter their indignation and resistance.

From the *South Australian Gazette* of October 21st, 1848, it appears that a large number of persons in the colony are prepared to oppose the renewal of the grant for religious worship. They have publicly announced their determination to resist it. They recommend that there should be no further delay in commencing a vigorous, unremitting, and systematic preparation for opposing the grant, should it be again included in the coming estimates, and for resisting the substitution of any similar measure in its stead. And in the earlier part of the letter to the bishop which I have just quoted, they remind him of the hopelessness of a contest in the event of a representative government being granted to the colony; indicated by the fact, that to the memorial against the grant (transmitted to the home Government in 1846), were appended 2,000 signatures, while only 200 persons petitioned in its favour, many of whom have since been satisfied that the measure was unnecessary, inexpedient, and injurious.

Religious discord has been the bane of England, Scotland, Ireland, and the Canadas; yet now, in spite of experience, the Australian colonies are to be inoculated with this noxious element. Besides, you will ultimately defeat your own end. The population must increase immensely, and the allowance now assigned having become totally inadequate, the colonies will never be induced to augment an exaction which you originally forced upon them, and against which they have fruitlessly protested. The noble Lord has avoided all notice of this particular topic in his speech; but notwithstanding its extraordinary caution, I think there are some passages in it which will benefit my argument. Thus, in page 21 of that speech, the noble Lord says—

> "I believe that any man acquainted with the

administrotion of the colonies, will come to the conclusion that it is only in rare cases that the authority of the Crown ought to be interposed; and that with respect to local affairs, the executive and legislative authorities of the colonies are the best judges."

Further, at page 35—

> "I have stated enough to show, that both in the North American colonies and in the Australian, it is our disposition to introduce representative institutions, give full scope to the will of the people of those colonies, and thereby enable them to work their way to their own prosperity, far better than if they were controlled and regulated by any ordinances that went from this country."

Again, in page 51, these lines will be found—

> "I think the general rule should be, that you should send to the different parts of the world, and maintain in your colonies, men of the British race, and capable of governing themselves; and that while you are their representative with respect to all foreign concerns, you wish to interfere no further in their domestic concerns, than may be clearly and decidedly necessary to prevent a conflict in the colony itself."

Why, the noble Lord, casting aside his own declaration, is running headlong to provoke the very conflict against which he professes to guard the colonists. Moreover, he would act in defiance of the noble principle enunciated in 1847 by Earl Grey, who, writing to Sir C. Fitzroy, remarks—

> "The great principle of colonial government is, that all affairs of merely local concern should be left to the regulation of the local authorities; to that principle I know of no general exceptions, unless in cases where local interests may clash with the interests of the empire at large, or in cases where some one predominant class of a society might be disposed to exert such powers, so as unjustly to depress some feebler and defenceless class."

Would the noble Lord call this endowment a matter of imperial solicitude, or designate the members of the four favoured establishments as belonging to the feebler and defenceless class? But let me remind the noble Lord, that the colonists have already expressed a determination to repel the threatened interference with their religious liberty; and the arrival of this Act in the colonies, empoisoned with this 17th clause unmodified, will be the signal of instant repudiation and the most furious dissensions. On this point I may add the testimony of an enlightened foreigner, who visited Sydney in 1839, and found religious discord infesting the community, in consequence of the grant for religious purposes. Captain Wilkes, the Commander of the United States' Exploring Expedition, states with reference to this subject—

> "The system of giving to the clergy an allowance from the Government for their support, is the fertile cause of dissension in the community. Many hard thoughts and harsh expressions are occasionally felt and uttered by one sect against the others, in the contest for the stipend distributed among the several denominations."

Rely upon it, the ardent spirit and indomitable energy manifested by the descendants of the Pilgrim Fathers is not forgotten in Australia, nor will the colonists ever lose sight of their glorious resistance to arbitrary power. Threatened themselves with exaction, they must contemplate that resistance as an example which they may possibly have to imitate, but it is an example which it will ill become the noble Lord to goad them on to follow.

The reign of George III. is marked in the annals of history by futile attempts to coerce the colonists of North America, the stigma of which is somewhat effaced by unexpected beneficial results to mankind; but I trust that, taught by better experience, we shall confer blessings on Australia by the direct operation of parental fostering, and that, warned by former defeat in an unnatural struggle, the colonial sway of our present beloved Sovereign will not be tarnished by such attempted encroachments, nor disgraced by similar discomfiture.

Amendment proposed, page 10, lines 20, 21, to leave out the words "or altering the sums mentioned in the third part of any of the said Schedules A, B, and C."

Mr. LABOUCHERE begged to remind the Committee of the real state of affairs in the colony of New South Wales. By the present system a very moderate sum of money was apportioned to, and divided amongst the four principal churches in that colony; and the clause referred to in the present Bill maintained these churches and their grants substantially; and provided that there should be no alteration without the consent and approbation of the Crown. The introduction of that system had afforded great satisfaction to the colonists; whereas the previous system of giving exclusive privileges to one church (the Church of England) gave great offence and annoyance, which were only removed and quieted by the introduction of the present system. Whilst he (Mr. Labouchere) would strenuously resist any attempt at domination by any church over a different portion of the community—believing such to be opposed to the true interests of religion—on the other hand, he was not alone prepared to promote, but also to encourage, the equality of all churches and the absence of religious domination. He was of opinion that encouragement to religious communities was a benefit, not an evil; and he, therefore, should regret any resolution that would disturb the harmony that at present existed. Under the present system there were vested interests of considerable importance. Additional churches had been erected, clergymen endowed, and public worship encouraged and extended; and he was therefore of opinion that the House would act wisely in not disturbing the existing arrangements. All the Government asked was, that these moderate endowments, provided, not for any one class of Christians, but for the four great divisions, should be secured and maintained; and this was only asking for the confirmation of an arrangement which had existed satisfactorily for years. The apportionment of the different sums would have to be decided afterwards.

Mr. ROEBUCK was somewhat surprised at the blowing hot and cold which distinguished the policy of the Government with respect to the colonies. One moment the Government were for giving them all sorts of powers, including that of making constitutions. That was the way the Government began; but at the end of the Bill there were schedules, and schedules always excited his suspicion. On turning to the 17th clause, the first thing which he found mentioned was the salary of the Governor. The colonists might make a constitution—they might split one house into two, they might get rid of nominees, they might have a thoroughgoing democracy, but they were not to get rid of the Governor's salary without a Bill which had received the approbation of Her Majesty. Now, he maintained that that was blowing hot and cold. Why did the right hon. Gentleman the President of the Board of Trade wish to interfere in this matter? He would tell him. All the colonies had attempted to obtain a settlement of what they called the civil list, and there was none which had not had a quarrel with the mother country on that question. The Americans began by quarrelling about the Governor's salary and his perpetual power. The rebellion in Canada was raised for the very purpose of putting down something similar to what was then proposed. In Canada they had spent three or four millions of money, and had rendered annexation an inevitable necessity; and at present they had no power over the colonial administration of that colony, or a single farthing connected with it. In like manner they would retain what he objected to in the Bill only so long as the indignant colonists in Australia were unable to resist, and they would resist the moment they acquired the power of doing so. He desired quite as earnestly as any person on the Treasury bench to retain the colonies; but the only means of extending the colonies, and thus enlarging the power and capacity of England was to give the colonists full power of regulating their own concerns. He admitted that there should be a Governor appointed by the Crown, and he thought that was the only substantial and legitimate link by which the colonies should be kept united to the mother country. But if he were to be paid as the servant of the Government, let it be with English money. If he were to be paid by the colonists, they had no right to say how much he should receive. The schedule was altogether a curious one. The Governor of New South Wales was to have 5,000*l*. a a year; the chief justice 2,000*l*.; two puisne judges, 300*l*.; and then there was the following large sum, which was very remarkable: "Salaries of the attorney and solicitor general, Crown solicitor, and contingent and miscellaneous expenses of the administration of justice throughout the colony, 19,000*l*." making a total of 29,000*l*. But that was not all. There were the following additional items: "Colonial secretary and his department, 6,500*l*.; colonial treasurer and his department, 4,000*l*.; auditor general and his department, 3,000*l*.; salary of clerk and miscellaneous expenses of executive council, 500*l*.; pensions, 2,500*l*. The addition of a sum of 28,000*l*. per annum under the head of "public worship," made a total of 73,000*l*. as the amount fixed upon the colony by this Bill. Now, was that in the spirit of the Bill itself? If the colonists were fit to govern themselves and to make constitutions, were they not fit to decide whether or not the Governor should have 5,000*l*. a year, and whether 28,000*l*. a year should be paid for public worship? But the most remarkable proposition was, that any saving below the 73,000*l*. should be reserved to Her Majesty to do what she pleased with. That was an insult to the colony. He would not affront Her Majesty by supposing that she had anything to do with the matter, but he maintained that the Colonial Administration at home should have nothing to do with it. When the Committee came to this section of the clause, he should move the omission of it.

MR. BRIGHT said, that with regard to the question introduced by the hon. Member for Westminster, he felt that the right hon. Gentleman the President of the Board of Trade had blown hot and cold throughout his observations. He said he was entirely against having one dominant church in the colony, as that would be sure to lead to great discord. He therefore wished to have four, because discord would thus be prevented, the minority being overpowered by the majority. There could, however, be no permanent advantage in the remedy for discord which the right hon. Gentleman proposed, because, as the population of the colony increased, the relative proportions of the sects might change so as to make the discord even greater than it would be under one established church. He would ask the noble Lord at the head of the Government where was the wisdom of attempting to fix the sums of money which should be paid for the support of certain religious persuasions—not merely for the support generally of a church which was believed to be true, but for the support of three or four kinds of churches? He asked him how could they, at a distance of so many thousands of miles from the colony, undertake wisely, fairly, judiciously, usefully for the colonists, to decide such a question? If there were one question which more than another people could alone decide for themselves, it was the question of religious establishments, and of giving support out of the public funds to any religious faith. Was the noble Lord aware that at that moment there was a question growing up in Canada which probably in the very next Session of Parliament would have to be met in that House? He referred to the question of the clergy reserves, which had already borne the bitterest fruit in Canada, and which was now more prolific of such fruit than at any former period. As the law stood, the clergy reserves in Canada were regulated by the provisions of an Act of the Imperial Parliament, and the Canadian parliament did not even possess the power which this Bill would give the Australian parliament, of making a new arrangement without coming to this country. Probably in the next Session the Canadians would ask the Imperial Parliament to relinquish its power in that respect, and to hand it over to themselves. How much better would it be if at this moment we had no option with regard to the clergy reserves in Canada — if the Canadian parliament had the same power with respect to the clergy reserves as the Imperial Parliament had with respect to any internal question relating to Great Britian or Ireland. Having before him the lesson taught in Canada, how was the statesmanship of the noble Lord shown in proposing a clause for the distribution of funds for the support of religious worship in Australia? The right hon. Gentleman appeared to suppose that if this clause were altered, there would be an immediate interference with parties who now received incomes from this source. The right hon. Gentleman thus admitted that the vote was contrary to the wishes and feelings of the Australian colonists; but he (Mr. Bright) did not believe that however great liberty might be given to them, the colonists would interfere with the incomes of persons now in the possession of clerical offices. He believed they would pay them as long as they continued to live, and for aught he knew they might retain the system permanently; but he would put it to the right hon. Gentleman what necessity there could be for the Imperial Parliament providing for the religious teaching of the Australian colonists when the United States never dreamt for one moment of providing such teaching for the colonists and States which were continually growing up and being added to that great confederation? If Americans and Englishmen, on emigrating to the western part of the North American continent, could provide for themselves the means of religious worship and teaching, surely Englishmen who had emigrated from this country to Australia might be allowed the same liberty? No man would contend that it was desirable to interfere with their fellow-countrymen on the other side of the globe; and he therefore asked the noble Lord (if he would not consent to withdraw the whole of the clause, to take away that part which he (Mr. Bright) believed would be a source of discord amongst people to whom we were wishing free institutions.

MR. LABOUCHERE said, it was not true that the arrangements as to the Canada reserves could not be altered without an Act of Parliament. On the contrary, they could be altered by the Act of the Legislature; all that was required was, that the Act should come to this country and receive the sanction of the Crown. At present the state of things now existing in these colonies was, that sums had been voted. These sums were an advantage to the persons who had a vested interest in the receipt, and it must be some time before any question could arise as to any part of the sum appropriated by the Legislature. No present inconvenience could arise from leaving the question as it was now proposed to be established, and good reason ought to be shown for changing a system under which many individuals had embarked their fortunes. This system had greatly promoted the extension of churches and religious instruction, and had given religious peace to the colonies. It was not too much to give that degree of stability which was given by this Bill, namely, that no alteration should take place except by an Act of this Legislature.

Mr. BRIGHT explained, that his argument was, that unless they meant to exercise the power, they should not retain it. He believed that retaining the power was the way to make the colonist examine the power and resist. He believed it was more likely to be so resisted than if they had it in their own hands.

Mr. K. SEYMER entertained no great partiality for a system which endowed four churches. He thought the colonists were entitled to have the entire control of their own affairs, and was of opinion that they would act wisely in providing an endowment for religion, because it would show the emigrants that they would possess those religious advantages which they had enjoyed in this country. He believed that great jealousy would be excited among religious bodies by the present plan, and that it would perpetuate a system of religious discord in the colony.

Mr. C. ANSTEY said, it was true that with the exception of the Church of England, attempts were making by the privileged classes in New South Wales, who happened to obtain more power, to destroy the principle, not of endowment, but of all religious equality, by cutting off the endowment. The other societies should be prevented from disturbing the religious peace which the Church had so happily preserved. If the popular franchise were adopted in these colonies, the universal cry of the people would be for the Church, for the maintenance of the clergy, and the integrity of religious equality which now prevailed.

Mr. ADDERLEY could not understood how the principle of endowing four churches could be defended. The attempt would fail, for it was impossible that they could conciliate one church or the other. No hon. Member could stand up to defend the four great churches—the Church of England, the Church of Rome, the Church of Scotland, and what he had not before heard of, the Wesleyan Church. The Government apparently only wished to preserve the system as it now stood. It seemed to him that for the protection of vested rights the proposal was perfectly useless, and the attempt to preserve the Crown interference seemed to him one of the worst parts of the whole Bill, as nothing but evil could result from this country constantly mixing itself up with all the measures and policy of the colonies.

Lord J. RUSSELL said, this question had been argued as if there were a desire on the part of the Government to impose four church systems on Australia, and as if they recommended that as a good scheme; but that was not the question; it was this: In 1835 the Secretary of State for the Colonies, finding that there were great complaints that one church only was to be established in New South Wales, made it a provision that the four principal bodies in the colony should each have a certain sum allotted to them; and it was made a part of the condition on which certain sums for the erection of churches were to be given, that there should be equal contributions by the inhabitants of the district. Then they found that those sums had been paid for a considerable number of years, that the buildings had been erected, livings provided, and that individuals had subscribed. That being so, they proposed to continue an establishment which they found there existing; and they further proposed that any alteration that should be made with reference to those institutions should be sent over for the confirmation of Her Majesty, by the advice, of course, of the Government of the day. It would be, in his opinion, extremely unjust to say that the whole establishment should at once be put an end to, and that every clergyman who had gone out there should be deprived of his living, and those who had subscribed of the benefit of the contributions which they had advanced on the faith of the Government. There had been no perceptible degree of complaint hitherto. At the same time, if it should appear hereafter that this system was to be no longer agreeable to the colonists, then he thought it would be advisable that the Crown should have the matter before them. So also, if they were to deprive persons who had gone out to the colony of their vested rights, or if the majority of those bodies in the colony were to say that the three others were to be deprived of all establishment, and that one was to be doubled or trebled, he thought that would be so unjust a proposal as likewise to require reconsideration. As he had stated, the Government found the present system in existence, and they did not think it wise that it should be declared by a vote of that House that none but the voluntary system could now be tolerated.

Mr. LUSHINGTON assured the noble Lord that he never intended to propose that the present grant should be cancelled. All he wished was, that it should be left to the general feeling of the colonists, being perfectly satisfied that they would not disturb vested interests.

Mr. F. SCOTT said, that the noble Lord had made a statement which the hon. Gentleman the Under Secretary for the Colonies could not have made, namely, that there was no dissatisfaction amongst the colonists on this subject. Now, the fact was, that there was no single point on which the colonists in New South Wales had felt, and would continue to feel, so much dissatisfaction as on that with regard to the schedules of appropriation. That was indeed the great grievance of Lord Stanley's Act—not that there was any want of generosity or justice among the colonists; but what they objected to was, that the Government of this country should control and regulate the amount of payment which they were to make for the support of their religion. The very last Bill which the legislature of New South Wales had passed, was a Bill for the establishment of a university in Sydney. He mentioned this as an indication of the generous and liberal feeling which existed in a colony which the Government considered sufficiently advanced to govern itself, but to which they denied the right of controlling its own expenditure.

Mr. HAWES begged to say that he had never heard of any dissatisfaction on this subject. The hon. Gentleman had talked of dissatisfaction on the schedules of appropriation, but that was a totally different thing. The question before the House was whether the grant of public worship, as now distributed, had given rise to general dissatisfaction. He could only say that if it had, he had never heard of it, and that he believed that on the whole the existing arrangement had been satisfactory. The Committee would understand that the colonial legislature had the power of altering the existing arrangement; and if that power should be exercised, the Crown, he was sure, would be disposed to pay every deference to the wishes of the colony.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 203; Noes 54: Majority 149.

List of the Noes.

Adderley, C. B.
Anderson, A.
Bagge, W.
Bass, M. T.
Bouverie, hon. E. P.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Clay, J.
Cobden, R.
Cowan, C.
Currie, R.
Duncan, G.
Ellis, J.
Fortescue, hon. J. W.
Fox, S. W. L.
Fox, W. J.
Greene, J.
Hardcastle, J. A.
Harris, R.
Headlam, T. E.
Henry, A.
Heyworth, L.
Hollond, R.
Kershaw, J.
Lawless, hon. C.
Locke, J.
Lowther, hon. Col.
M'Gregor, J.
Molesworth, Sir W.
Mowatt, F.
Muntz, G. F.
Pechell, Sir G. B.
Pilkington, J.
Rendlesham, Lord
Repton, G. W. J.
Roebuck, J. A.
Scholefield, W.
Scott, hon. F.
Seymer, H. K.
Simeon, J.
Smith, rt. hon. R. V.
Smith, J. B.
Stuart, Lord D.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Walmsley, Sir J.
Willcox, B. M.
Williams, J.
Wilson, M.
Wyld, J.

TELLERS.

Lushington, C.
Bright, J.

House resumed.

Committee report progress; to sit again on Thursday.

METROPOLITAN INTERMENTS BILL.

Order for Second Reading read.

Sir G. GREY moved the Second Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Lord D. STUART thought the right hon. Gentleman was pressing the measure in rather too rapid a manner; and although it had been printed and circulated, hardly sufficient time had been given, either to the House or to those out of doors who were interested in the question, to consider the provisions. He did not wish to oppose the principle; on the contrary he was anxious to see a Bill pass to prevent the continuance of that most injurious practice of interment in large towns. But this measure contained the power of rating to a very large amount, and gave a great increase of patronage to the Government in the creation of offices with large salaries. If he did not oppose the second reading, it must be on the distinct and positive understanding that ample time be given to consider the Bill before the House went into Committee. He must not be told that while he was one of the most anxious for such a measure, he was inconsistent in now asking for delay. Nothing was more common than to see those who had neglected their duty—and the Government ought to have brought in such a measure not this year or last year, but years ago—when at last they set about doing it, they pushed on with too much rapidity, and hurried on their measures in a way to prevent proper consideration of them. Against this he was anxious to guard.

Mr. FORBES felt that a Bill which placed all the interments of the metropolis in the hands of the Government, should have been brought forward at an early hour of the evening.

Mr. LACY approved of the general principle of the measure, but there were many most objectionable details in it. He was, however, willing to reserve his arguments againat these until a future occasion.

Sir G. GREY said, he should propose to take the Committee on Friday week, which would give nearly a fortnight for the consideration of the Bill.

Mr. BRIGHT thought this an inadequate time for the consideration of so important a measure.

Mr. WYLD said, the Bill contained some peculiar provisions, which he thought could not be conveniently discussed in a Committee of the whole House. New principles were introduced into it. The Government were intending to become undertakers, and then all the funerals in the metropolis were to be performed under the direction of the Board of Health. He hoped the Bill would be referred to a Select Committee.

Mr. MACKINNON said, that since the penny postage system, no measure of greater public importance had been introduced than that now under consideration. It might be opposed from factious motives, but he was sure it could be opposed on no other. The noble Lord the Member for Marylebone had twitted the Government for not bringing in the Bill sooner; yet in the same breath he blamed them for not postponing it to some indefinite period. He hoped the Government would persevere with the measure, and not consent to delay it by referring it to a Select Committee.

Bill read 2°, and committed for Friday the 3rd of May.

OFFICIAL SALARIES.

Lord J. RUSSELL then moved that the following Members constitute the Select Committee on Official Salaries:—Lord J. Russell, Mr. W. Patten, Mr. Bright, Sir J. Y. Buller, Mr. Cobden, Mr. Beckett, Mr. Napier, Mr. Home Drummond, Mr. W. Evans, Sir W. Molesworth, Mr. Henley, Mr. Ellice, Mr. Ricardo, Mr. Walter, and Mr. Deedes.

Colonel SIBTHORP said, that instead of appointing this Select Committee, which was, indeed, a select, very select, Committee—for he believed that its labours, when they should be completed, would only show that there had been "much cry and little wool"—the noble Lord at the head of the Government had better have said candidly, "I mean to take care of myself and of my own salary." "I shall look after my friends, and I will stand by them as long as they stand by me; *ubi mel, ibi apes.* Let them support me, and they shall have plenty of turtle and venison." He (Colonel Sibthorp) felt bound to protest against such a partial and packed Committee as that now proposed. There seemed to him to be something in the atmosphere of the Treasury bench which rendered men, when they got there, quite different beings from what they had been before. It was his painful duty to say that he looked with extreme suspicion upon all official men; and in such a case as this it was not likely that they would cry "stinking fish." He did not know how the Committee would go to work, but he knew very well what would be the result of their investigation. He considered the appointment of such a Committee most delusive and unsatisfactory. He entertained great respect for the noble Lord in private life, and he admired his transcendent abilities, though he was somewhat cunning; but it was evident that this step was only a *ruse de guerre*, and that the noble Lord did not want to be disturbed in his rest. The noble Lord was attempting to get rid of one of the most important questions that could be considered, especially under the existing circumstances of the country, when poverty was staring them in the face, and people of all classes were suffering. The hon. Member for Oxfordshire had brought forward a most important Motion; but the noble Lord had shrunk from it. Did the noble Lord mean to reduce salaries or not? If he did, why not frankly avow it? He (Colonel Sibthorp) and his hon. Friends on that side of the House were anxious to express their opinion in favour of a reduction of official salaries; they were anxious to go into them and examine them. But the noble Lord said, "You shall not consider the matter in the House; it shall be inquired into upstairs, *clausis foribus.*" He (Colonel Sibthorp) considered that the noble Lord's conduct, in thus referring the subject to a secret conclave—a Star Chamber—was unworthy a Minister of this country, and was an insult to the British House of Commons. He called upon the noble Lord to give up this truckling, secret, underhand, Star Chamber mode of proceeding, and to take up the position he ought to maintain. If the noble Lord would pursue a manly, open, honest course, and would show himself to be the friend of the people, he (Colonel Sibthorp) would be proud to render him his humble assistance in maintaining his authority.

Motion agreed to.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, April 23, 1850.

MINUTES.] PUBLIC BILLS.—1ª Administration of Criminal Justice Improvement.

2ª Alterations in Pleadings; Titles of Religious Congregations (Scotland).

3ª Smoke Prohibition; School Districts Contributions.

SALARIES AND EMOLUMENTS OF THE OFFICERS OF THE HOUSE.

The EARL of SHAFTESBURY laid on the table of the House a report of the Committee appointed to consider the emoluments and salaries of the officers and doorkeepers of the House.

The DUKE of RICHMOND said, that his noble Friend the Chairman of Committees having laid on the table the report of the Committee on this subject, he felt it due to their Lordships and to all the parties concerned, in rising to move that the report be printed and distributed among their Lordships, to call their attention to the subject which had been brought under the consideration of the Committee. At the best, it was but an invidious task for a Committee to be called upon to revise old salaries and old emoluments which had existed for a long term of years without challenge and without inquiry; but the subject having been referred to the Committee, they felt themselves bound to do so, considering it of great importance that the House of Lords, as a branch of the Legislature, should take care that due economy should pervade the whole of the departments under their control. The Committee entered into the inquiry, not with the view of making paltry savings by the reduction of the salaries of those men who well and efficiently performed their duties; they recommended such salaries to be given as would secure the services of efficient and useful men; but, at the same time, they felt bound to report to their Lordships their opinion that the remuneration which for some years had been given to the doorkeepers of the House was extravagant in the utmost degree. He begged to call their Lordships' attention to the enormous sums which had been received by one of the doorkeepers, who died last autumn; and he wished their Lordships to remember that these payments were made out of the fees received by the House, which belonged to the fee fund; and, therefore, if those fees were expended in an extravagant manner, they were called upon to make greater demands upon the Treasury than would otherwise be necessary. He would take the four lowest and the four highest years since 1836. The lowest sums received by that individual were 723*l.*, 724*l.*, 401*l.*, and 772*l.* In the highest years the respective payments were 834*l.*, 1,272*l.*, 2,570*l.*, and 1,594*l.* He thought it impossible for any noble Lord to say that such an amount of remuneration was not extravagant in the highest degree; and as proof of this he might mention that the duty had been well and efficiently performed by a deputy for 150*l.* a year. The subject had given the Committee a great deal of anxiety and trouble, because, while they were anxious to prevent this lavish expenditure, they could not fail to remember that some of the individuals now occupying these offices, had been for a considerable time in the service of the House. The Committee thought it right to recommend their Lordships to commute these offices for the present holders to the amount of the seven lowest of fourteen years, and they had drawn up a scale which they thought just to the parties themselves. They had also drawn up a scale applicable to future holders of these situations, which was considerably lower than the commuted scale. In moving that the report be printed, he begged to express a hope that it would receive the attention of the noble Marquess opposite, and that he would consider it the duty of the Government to carry the recommendations of the Committee into effect, and not leave it to be dealt with by an individual Peer. The Committee had refrained in this, their first report, from adverting to two other offices—the office of Clerk of the Parliaments and the office of Usher of the Black Rod. Their emoluments were regulated by Act of Parliament; but the gentlemen now holding those offices were not unwilling to submit to a reduction. That, however, must be a matter of negotiation with the parties, because their Lordships could not, without the assistance of the other House, deprive them of that to which they were entitled by Act of Parliament. The Committee proposed that, from henceforth, all fees should cease which were paid by Peers to the doorkeepers, by the editors of newspapers, and by the East India Company; and also another fee of a most extraordinary nature, the origin of which the Committee had been unable to trace; but it appeared that the body of Quakers had been in the habit of paying *5l.* to the doorkeepers of the House. He supposed this was a consideration for having their hats removed, instead of taking them off themselves. The Committee proposed as a general principle that the servants of the House should receive no fees, but should be properly remunerated by salary. The only fee proposed to be retained was that for the summoning of Peers.

The MARQUESS of LANSDOWNE felt bound, as a Member of that House, to say that they ought to feel grateful to the noble Lords who had been on the Committee for the pains they had taken on the subject. It was a question of great importance, and affected both the dignity and character of their Lordships' House. The large sums which the noble Duke had alluded to as having been received by one of the doorkeepers, no doubt arose from accidental circumstances, which might not occur again; but it had led to the result which he had always observed in such cases—namely, the employment of a deputy, instead of the duties being performed by the officers appointed for that purpose. He would not sit down without bearing his testimony to the fairness of the principle adopted in the report.

The report was then ordered to be printed.

AGRICULTURAL DISTRESS.

The EARL of HARDWICKE presented petitions from several parishes in the county of Cambridge. All these petitions expressed similar sentiments, and complained of the excessive distress under which the agricultural classes were labouring. The petitioners stated that the only prospect they had was of suffering more, and in the end of encountering entire ruin. They stated that they found it totally impossible to compete with the foreign corn-grower. Those persons who had been told, when free trade was established, that they could safely embark their capital in agriculture, were now finding that they were ruined. It was said that all this was an experiment; but it was an experiment which was now being so rapidly carried out, which occasioned so much distress, and caused so many persons to be ruined, that it would not be long before the House would be called upon to give the agricultural classes some relief. Why was this relief, which was so much needed, not given? Noble Lords on the other side of the House would no doubt refer to the state of the revenue, and say that it had improved since free trade had been established. They would say that the property tax paid well, and that the commerce of the country had increased, and was still advancing. They would say that farms could be easily let, and that agricultural exertion was never greater than at the present time. He must deny that the returns of the property and income tax afforded any refutation of the fact that great distress existed throughout the country. Farms would let, no doubt, so long as men were willing to speculate upon the same principle as others speculated in the funds. He believed that there were causes in rapid progress which would enable both Houses before long to give relief to the distress of which the petitioners complained. Although the noble Lords opposite had held out hopes that prices were so low in this country that foreign corn would not be sent to our market, he was sorry to say that the facts were quite the reverse, for every day we were receiving large supplies of foreign grain. [The noble Earl then read a portion of the leading article of yesterday's *Mark Lane Express*, which related to the extreme depression of the corn trade—the weekly arrival of immense supplies of foreign grain, and showing that the consumption had not increased in consequence of low prices.] It was said that noble Lords who were opposed to free trade were alarming the public mind by the complaints of agricultural distress; but nothing could be more erroneous than this statement. It did not seem that the supply of flour in the metropolis had been increased in consequence of low prices. There was no prospect whatever of any increase in the value of agricultural produce, and no person would venture to say that the present prices would continue, without the entire ruin not only of the agricultural but of the other classes of society. A noble Earl opposite had spoken of "hanging up his coronet" rather than go back to the old system; in his opinion, however, the time was not far distant when that noble Earl would have to do so. But for what reason was it that they were to retain this theory? For the interests of the manufacturing class, which represented but 26,000,000*l.* of the capital of the country, while they were ruining the class which possessed 260,000,000*l.*, and perilling every other interest in the country. From the extreme distress, however, of the agricultural classes, he derived hope that some measure would shortly be adopted for their relief.

Petitions to lie on the table.

THE PRICES OF AGRICULTURAL PRODUCE.

The Earl of MALMESBURY then rose to move for the following returns:—

> "Return of the imports of wheat and wheat flour, also of barley and oats, into the United Kingdom, in each week since the 1st of January, 1850, and of the average prices of each week; and also, return of the total amount imported within the same period, distinguishing the countries from which imported."

The noble Earl said, he might be told that he could obtain the information which he was anxious to acquire from the returns relating to trade and navigation, which had already been presented to the House, and in which was to be found the amount of corn imported into this country since the commencement of the year. But he was further desirous of knowing what were the countries from which that corn had been received, and from which corn still continued to arrive in large quantities, in the face of a falling market. If he were to consult his own convenience, he should content himself with merely moving for those returns; and he was aware that, in attempting to discuss at any length a subject which had already occupied so much of their Lordships' time, and which in itself was so little attractive, he ran a risk of forfeiting any claim to an extension of that indulgence which he had always experienced from the House. But when he witnessed the deplorable state of the agricultural interest at the present moment, he thought it his paramount duty to entreat their Lordships to direct their most earnest attention to that subject, as well as to the state of our corn markets since the repeal of the corn laws in the year 1846. At the commencement of the present Session they had been assured that the low prices of agricultural produce at that period could not continue; and there was some truth in the assertion, for they had since fallen considerably lower. Three parties had assisted in the repeal of those corn laws which had previously afforded a protection to the agricultural class under the great and peculiar burdens which they had to bear. One of those parties did not exist, he was happy to say, in that House, but its influence was not the less felt to exist in the country. It consisted of intelligent men who had been the most active in agitating for a repeal of the corn laws, who had not scrupled lately to declare publicly that they considered that that repeal would lead to this most desirable end—the establishment of a pure democracy in this country. That party believed that with a repeal of the protective system the value of agricultural produce would become so depreciated as to lead to a diminution of the social and political influence of those whom they called the aristocratic body, among whom they included not only the nobility, but the whole of the landowners of this country, who, as every one knew, had always been the strongest bulwark of the Throne against democratic invasion. He should, however, say nothing more of that party, because none of them were present. There was another party which certainly did exist in that House, and which also possessed great activity, talent, and intelligence, and which had been mainly instrumental in procuring the repeal of those laws—he alluded to those theoretical economists who had suddenly become enamoured with the doctrine of free trade, believing it to be founded on natural and normal truths, but totally forgetting the complex state of society in this country. Those were men for whom he entertained the greatest respect, because he knew they were honest in their opinions, and sanguine in their expectations. They believed that free trade would prove beneficial to this country, and he certainly gave them credit for thinking that it could not lead to that deplorable anxiety and discomfort which it had occasioned among the agricultural classes. But they were men like the noble Earl the Secretary for the Colonies (Earl Grey), who had lately congratulated their Lordships on the effects produced by free trade, and who was himself one of the most distinguished of their number—they were ardent and uncompromising politicians, who threw down a principle before the country as they would throw down an article of material produce, without reference to its capabilities of practical usefulness for Government. He believed that anything he could say would not have much influence with those persons; but he would ask them also to turn their attention earnestly to what was going on in the corn markets of this country, and to consider what must be the result. There was a third party in that House to the repeal of the corn laws, which comprised a majority of their Lordships, and which must always be looked upon in this country with the deepest respect. Among the Members of that party he wished particularly to address himself to the noble Lords on the cross benches, and to some noble Lords on that (the Opposition) side of the House, with whom he had once the honour to act, but had unfortunately been for some time dissevered. He believed that those noble Lords had thought, in voting for a repeal of the corn laws, that they had been doing their duty to the country by giving way to what they considered to be an almost universal call on the part of the people. They had hoped that no such evils as those which the party with whom he was associated had predicted, would result from the proposed change, and that, after its adoption, what he might call a genial stream of food would flow into this country, instead of that overwhelming torrent by which our markets had been inundated. In that party he should place the noble Marquess opposite (the Marquess of Lansdowne) himself, because the noble Marquess had, both at the beginning of the present Session, and at a subsequent period, called the repeal of the corn laws "an experiment." He had also been told that the Chancellor of the Exchequer had stated in another place, that he did not expect that that measure would occasion such low prices in our markets. He accepted the expression of the noble Marquess. He had always looked upon the measure as "an experiment;" and he should always protest against the language held, not so much in that House, as out of the House, by leading journals, and by men of great talent and eloquence, to the effect that the existing law upon the subject was necessarily final. He considered that language to be a positive insult to the common sense and good feeling of the country. Surely a law was not necessarily final, because it had been tried for a year. Surely no Act of Parliament could be considered necessarily final, and least of all an Act of Parliament upon a fiscal question. He could understand that the abolition of personal privileges confined to a class might be final; but to say that a fiscal enactment was necessarily final was the language of decrepit men who had only sufficient strength left to enable them to move in one unvarying attitude. The price of corn still continued to fall; it had not only fallen within the last two months, but it had fallen within the last week. The last average that had been published was that for the week ending on Saturday, the 13th instant—that average being 38*s.* a quarter for wheat. The average for the week ending on last Saturday would not be published until to-morrow; but he could state from information which had reached him, that in almost all our principal markets the price had fallen during the last week. He found that during that week the average price of wheat at Salisbury had been 37*s.* and of barley 21*s.*, which would not be more than a remunerating price for oats. He found that at Swindon the price of wheat last week had been 35*s.*, at Dorchester 36*s.*, at Warminster 35*s.*, at Norfolk 37*s.*; that in Northumberland it had been below 35*s.*, and that in London the average price had fallen 2*s.*, in consequence of an importation during the week of 100,000 quarters of different kinds of grain. Now, their Lordships should remember that a fall of 2*s.* on 38*s.* was one of very considerable amount, and was of course much greater than a fall of 2*s.* on 56*s.* We had begun the year with an average of 40*s.*; and in the face of that average a very large importation of foreign corn had taken place. At the beginning of the month of December it must have been known in foreign ports that the price of wheat in our markets was reduced to 40*s.* a quarter;

and, notwithstanding that fact, we had received in the months of January and February importations of 275,000 quarters of wheat, of 47,000 quarters of barley, and of 29,000 quarters of oats; and the importations were still being continued. The fact was, that even at prices which could not remunerate the British farmer, foreigners could inundate our markets. In the year 1849 the average price of wheat in England had been only 44*s*.; and yet in that year we had received from foreigners 4,509,626 quarters of wheat, 1,554,860 quarters of barley, 1,368,673 quarters of oats, and 3,937,219 cwt. of wheaten flour; making altogether an importation equivalent to 10,000,000 quarters of grain, without including pulse and Indian corn. We had, besides, received from abroad during that year 52,000 head of cattle, and 129,000 sheep. He had stated these facts for the purpose of showing what vast powers foreigners had of importing into this country; and their Lordships might depend upon it that they could continue their importations at a profit to themselves, even though the prices were lower than at present in our markets. There had, as yet, been no means of knowing the exact price at which foreigners could import into this country; but he believed that that point might soon be ascertained. The British farmer was already well aware that he could be undersold by the foreigner; and when he demanded 38*s*. for his wheat, the corn factor showed him a sample of wheat which he could receive from Havre, or some other near port, for 37*s*., and then asked him how he could require 38*s*. He (the Earl of Malmesbury) had himself heard that language held, and so, no doubt, had many of their Lordships; and then, he would ask, whether it was surprising that under such circumstances a panic should spread among our farmers? It was well known that the farmers had still large stocks on their hands, which they had been induced to hold in consequence of the language employed some time since by Members of Her Majesty's Government and by other free-traders, who had stated that prices should necessarily rise; and the result was, that at present, at the end of April, within three months of the harvest, they had large quantities of grain on hand, whilst increased importations and falling markets were staring them in the face. The large farmers might be able to bear up for a while against such a state of things; but how would the small farmers fare? Now it was admitted that the small farmers would be destroyed, unless they possessed capital, and were conversant with chemistry. He recollected that, during the discussions on the corn laws in 1846, a most eloquent prelate (the Bishop of Oxford) had declared that to repeal those laws would be to return to a more natural and normal state of things. But was there anything, he would ask, in our normal nature that was to teach chemistry? Or was it the natural state of mankind to be born with capital? He would warn their Lordships that the destruction of the English yeomen would be the removal of what had been the most loyal and the most peaceable portion of Her Majesty's subjects. But he could with confidence state that the farmers were now finding fault with the form of government which had reduced them to their present condition. He might be asked why they had not held similar language in the year 1835, when prices had been as low as at present. Now, his answer to such a question would be, that prices had at that time been low in consequence of the intervention of Divine Providence of a plentiful season, which gave them riches not poverty, while their present unhappy position was the result of human intervention and of Acts of Parliament. The agricultural classes had a right to come to the Legislature and say to it—"You have depreciated the value of our property to the extent of one-third; it was worth 56*s*., it is now only worth 38*s*.; yet, while you have done so, you ask us to pay the same amount of taxes as we formerly did, which, so far as regards ourselves, is equivalent to having raised the taxes from 50,000,000*l*. to 67,000,000*l*. Is it fair, then, that we should pay the same fixed annuities which we were to pay before you made these changes? There is nothing given us to compensate for that depreciation which might require us to pay the same rate of interest to the public creditor as we did before." In conclusion he had only to say, their Lordships and Parliament, and the fundholders, who benefited by low prices as far as their weekly bills were concerned, would have to consider whether or not it was a wise thing for this country to ruin its debtors. If they did not retrace their steps, he thought that neither the condition of the country would be safe, nor could it be governed with honour.

The DUKE of RICHMOND said, he could not allow that debate to close without bearing his testimony to the truth of everything that had fallen from his noble Friend who had just sat down. Never was there a time when the burdens were greater, and depression more universal upon the agricultural interests of this country, than at the present moment, and the accounts which they had from every part fully corroborated and admitted the prevailing distress. A considerable number of our farmers and yeomen were suffering at the present moment; but he warned the Government, he warned their Lordships, he warned all those interests who were receiving money from the public funds, not to drive those naturally independent and loyal men to desperation. He knew large tracts of the country at that moment where the farmers were men not of large capital, but individuals who were possessed of enterprise and industry, who had always lived and brought up their families with some effort, and who now found themselves reduced, from the effects of free trade, to the condition almost of paupers, and that ere long they would feel obliged to seek the shelter of the workhouses. He trusted the great body of the people of England would ever continue to be loyal; that they would not permit it to be said of them, as was said of a neighbouring country, *Le peuple ne se soulève pas par envie de se soulever, mais par impatience de soufrir.* The great body of farmers might wish to be loyal, but they could not pay the amount of taxes which was now imposed upon them. He did contend for it that it was unfair the agricultural interest should be singled out to be plundered, when the public creditor and all other classes were placed in a better position than before. He confessed he expected nothing from his noble Friend opposite. He had expected nothing from noble Lords opposite, and therefore he was not disappointed that his noble Friend should adhere to his policy—the Government unfortunately were too deeply pledged to their particular views to return to a system of protection; but he confessed he did look to the good sense of the people of England, to that growing feeling which had arisen in every part of Scotland, for a loud demand in favour of a change of the present policy. He did believe, that before long there would be but one feeling in the British empire, and that it would be loudly expressed in favour of a return to a system of adequate protection. What he asked of the farmers of England was to bring forward their grievances before the Parliament of the country, to select no representatives who were not protectionists, and to bind and fetter their Members, so that they should not permit them to do anything but vote in favour of protection. It was idle to suppose that any measures but a return to a system of protective policy could be of any use unless they were prepared to sweep away a great amount of the taxation of the country. There was another class which was suffering, and would suffer, from the present state of things. He meant the clergy. Not, indeed, the right rev. Prelates on the opposite benches, for their incomes were fixed, but the working clergy in the country, for the farmers were complaining that they could not now, as formerly, pay their tithes. He had stated enough to show that before long they might have an agitation in this country, which, as statesmen, they had better prevent, by getting rid of a grievance which, if they did not put an end to, the people of England were determined that they would get rid of.

The MARQUESS of LANSDOWNE was understood to declare it to be his intention not to enter into a discussion upon the important subject to which the noble Earl and the noble Duke had referred. This was not a fit opportunity for considering whether the great experiment had failed or not. Whenever the noble Earl should found any proposition on the returns for which he had moved, he (the Marquess of Lansdowne) would be prepared to state his views fully, and the grounds on which the policy of the question rested. In his opinion, the present depressed state of agriculture, as indicated by the fall of prices, was an exceptional state of things, and did not furnish a fair ground for calling upon the Legislature to review the policy which had been adopted and acted on of late years. He was perfectly willing to admit that the noble Lords had taken a very fair and Parliamentary course in commencing their operation—if they deemed fit to undertake it—of proposing to their Lordships to make a change in the present system of policy, by moving for all the facts connected with it, and taking care they should be laid on the table of the House. He would offer no opposition to the production of the returns called for by the noble Earl, but would content himself with moving, that an additional return be produced, being an account of the quantity of wheat, corn, and oats returned as sold by the corn inspectors in each week during the last five years.

The Duke of RICHMOND said, that he would not believe a syllable the corn inspectors might say. Their returns had been found to be incorrect on a former occasion.

Lord STANLEY said, he would not go so far as to say that he did not believe one syllable of the corn inspectors, but he must be permitted to say that the Motion of the noble Marquess would not add much to their information as to the real state of the case, or the amount of permanent consumetion in the country. So far as the corn returns might go, they might be right as regarded the prices, but they would leave unrepresented a large portion of the corn actually sold in the country. From accidental causes a larger portion entered into the returns in one town at one period, than there did in another town at another period. He had heard with great satisfaction the other day from the noble Marquess, that this measure was not to be considered as *un fait accompli*—that it was not an irrevocable step, as they were told last year—not a thing from which it would be thought a folly to imagine they would recede—but merely an experiment still in progress, upon which the noble Marquess thought it right they should have all the practical information before them from time to time, showing what was the practical bearing of that experiment, and whether the results were such as he (Lord Stanley), and those who agreed in opinion with him, had anticipated, or were such as had been anticipated by the framers of the Corn Law Bill. He was glad to gather from the noble Marquess's statement that night, this further fact, that the noble Marquess assumed the present amount of price to be an exceptional amount of price, and not likely to continue—

The Marquess of LANSDOWNE: An exceptional state of things.

Lord STANLEY: Yes, an exceptional state of things, alluding to this low price. Therefore, it was to be inferred, that in the opinion of Her Majesty's Government an unmitigatedly low price was not advantageous to the country. They learned from the noble Marquess that the prices he thought were exceptional, for the purpose of diminishing the objections raised to them. He understood, therefore, that those low prices were not what the Government desired to see. It appeared that they were lower than they had contemplated or desired, and that they looked to a rise of price; but he would not stop to examine the ground for it. It was evident that Her Majesty's Government, in passing the repeal of the corn laws, were carrying on an experiment; and that experiment, at all events at that moment, had not produced the effects the Government and the repealers of the corn laws had expected. He would take those two admissions—first, that the price was lower; and, next, that the measure itself was an experiment. If it should be proved that this was not an exceptional state of things, and that there was no tendency to a rise of price, then, and in that case, he would put it to the Government that the experiment had failed, and that it would be necessary to retrace their steps. But how long, he asked, was this experiment to last? How many more hundreds of their countrymen were to be ruined, before they were convinced? How much more capital was to be sacrificed before they took steps to recover back the national prosperity? He was willing to give full time for consideration, but there must be some limit to the period during which the country should undergo the suffering it was now undergoing to test the value of this experiment. They were told at the beginning of the Session that they should wait another month or six weeks—the month of March, he thought, had been pointed out as the period at which it was said to be quite clear that the averages must considerably rise, and the prices improve; but the "ides of March" had come and passed, and, what was more, the ides of April were come and passed also; and within three months of the new harvest they had—not diminishing importation, but increased importation—they had not rising prices, but falling prices. There was a portion of his noble Friend's returns which was of the greatest possible importance. He asked for returns showing the country from which the importation had taken place. If it should appear, in the face of those low prices, that their importation had not been from distant ports, in countries where their prices could not be easily ascertained, but from ports within sight almost of their shores, where the inhabitants possessed a knowledge of their markets, and with that knowledge going on from day to day the importation increased, they might have an expectation that the prices would increase; but still they would fall lower than they were at present. He would take an illustration from the case of cotton.

Let them see what had been the quotations of cotton in the course of fifty or sixty years, and also see if the price of cotton had been raised in consequence of the increased demand for the article. So far from that being the case, the demand had diminished the price of cotton. In spite of the demand, the price of cotton was falling; and it was now lower than it was at the time when the demand was smaller. So also with respect to tea and other articles, for which in this country there was an almost unlimited demand. That unlimited demand from free admission would be sure to be met by increased production in foreign countries, and to such an extent as to lower the price while it increased the supply. If that were found to be true with respect to cotton, it would also be found to be true with respect to corn; and with the large field open for the increase of corn in Europe and America, they would have, while their ports were continually open, a constant glut of all the corn in their markets that could be grown throughout the world; and so far exceeding the demand that they must have continually falling prices, and the prices in this country would be the lowest on the face of the earth. Under these circumstances it was impossible that the cultivation of corn would go on to the present extent. The farmers could not bear the burdens and the taxation to which they were exposed. It was not a question of rent; but the fact was, that under those prices, or anything like those prices, and if those prices must continually fall, it was impossible that the farmers could continue to grow wheat in many parts of this country, or, still more, carry on that high and extensive farming that was recommended by some persons as a remedy for the present distress, by growing a greater quantity of corn on the same soil, for that could only be grown by the increased application of capital. But, most of all, it was impossible that the cultivation of the Lothians could be kept up at its present amount. In that country, the garden of Scotland, where skill and capital had been applied to the greatest extent to increase the production of the soil, how could the farmer add in any material degree to the amount of produce at present raised? What was to become of that man who, on the faith of an Act of Parliament, had invested his capital, applied his skill, and devoted the industry of a whole life to bring the country to a state that reflected credit upon him as an agriculturist, when he found that by their legislation all the capital and industry that he had expended, and all the expense to which he had gone, only tended to increase and render more formidable the ruin in which he was involved? He concurred with his noble Friend near him in the opinion, that upon their Lordships, sooner or later—upon the House, sooner or later—upon the country at large, at no distant period, but within a limited time, the conviction must be forced by circumstances that they could not advance in their present course, and that to stand still in their present course would be ruin. He was confident that he should see the time when those Members of their Lordships' House and those of the Lower House who had conscientiously voted for carrying out this great experiment, would, with equal honesty and conscientiousness, be of opinion that that experiment had not accomplished the object in view; and, in accordance with the general feeling of the country, would be prepared to revise their opinion, and to recede from that experiment which, he was rejoiced to think, was still continued as an experiment, the failure of which was daily becoming more apparent and disastrous.

The MARQUESS of LANSDOWNE complained that the noble Lord had not thought proper to adhere to the line of proceeding which he (the Marquess of Lansdowne) had prescribed for himself, and which he thought the noble Lord, when he rose, would have prescribed for himself. The noble Lord had proceeded to draw inferences and deductions from the papers now moved for, and invited their attention to certain results, as coming from those papers, which results had not yet been made apparent. This disquisition on the part of the noble Lord argued, he must say, some little doubt as to his intention of ever bringing this subject before the House in a plain and distinct form for their Lordships' consideration. He felt it would be irregular to enter into the subject at that time; but after what the noble Lord had said with reference to him, he must declare that he had never used the words which the noble Lord had put into his mouth. He did not state at that time, or on any former occasion, that that House would be bound, at no distant period, to review the whole of this question. [Lord STANLEY dissented.] He (the Marquess of Lansdowne) understood the noble Lord to say so.

LORD STANLEY begged to be excused for a single moment, while he explained what he had said. He had spoken of this measure not as *un fait accompli*, but as an experiment in progress, and said the noble Marquess considered the present prices exceptional, and that he did not anticipate they would last. And the inference he (Lord Stanley) drew from the statement of the noble Marquess was, that he thought that the price at present was not such as he contemplated as the result of the experiment, or as he considered desirable. Further than that he did not attempt, in the slightest degree, to offer an opinion; but this he did say, that upon those assumptions he founded the conviction that the noble Marquess, finding himself disappointed in the result he had anticipated and hoped for from the experiment, he would at no distant period feel himself compelled to acknowledge that the experiment had failed.

The MARQUESS of LANSDOWNE begged to state what he did say with respect to the exceptional state of things now in existence. The inference he drew from its being an exceptional state of things was, that the House ought not rashly, hastily, or speedily, to come to any conclusion on the subject. If the noble Lord considered that that exceptional state of things was one under which it would be expedient for Parliament to review the policy it had pursued upon this subject, it was open to him at any time to bring this subject distinctly under their consideration. When he did so, he (the Marquess of Lansdowne) should be prepared to meet him; but, so far as he could see, the noble Lord was not prepared to make any Motion. He had made no proposition by which the public of the country could be informed of that which he considered a great evil. He should have done so, and taken a fitting opportunity to call upon the Government to bring the subject for discussion before Parliament. When the noble Lord arrived at that conclusion, he (the Marquess of Lansdowne) trusted he would distinctly communicate it to the House, and not throw out arguments and suggest inferences from papers which were not upon the table. When those papers were on the table, let the noble Lord invite the attention of the House to them in a distinct and intelligible form.

LORD STANLEY wished to observe, that he did not consider the present price an exceptional state of things; on the contrary, he considered it a state of things that was likely to continue. He was not prepared, in the present state of their Lordships' House, to bring forward a distinct proposition, and would exercise his discretion both as to the period at which he would bring it forward, and the opportunities he should think proper to take of expressing his opinions during the progress of this experiment.

EARL GREY thought that if noble Lords entertained a very strong opinion as to the necessity of some change, they ought to bring forward the question in such a manner as that the opinion of the House could be distinctly taken upon it; they ought to explain what they considered the right policy of the country upon the subject. But he could see no possible advantage in discussions leading to no conclusion, and in which noble Lords, when they found fault with the existing system, cautiously avoided giving any information as to what they would substitute for it; and he must utterly deny that Parliament, or any Government or Legislature, could make itself responsible for a state of prices. Noble Lords seemed to think that the present measure necessarily failed because the price of wheat was at that moment low; but often in the other House, when Gentlemen of great benevolence, but as he thought not of great judgment, urged some interference to relieve the handloom weavers from their distress, and to prevent wages from falling from the point below which no persons could live—he had heard such arguments answered, as he thought, most conclusively, and, as he believed, by the noble Lord himself, by showing that it was not in the power of Parliament or Government to determine what should be the rate of wages; and he believed it was equally out of the power of Government or Parliament to determine what should be the rate of prices of wheat. He utterly denied that anything in this country had occurred to justify them in denying the wisdom of those principles upon which this policy was based.

LORD BEAUMONT did not expect that their Lordships would derive much further information from these returns when they were laid on the table, but he nevertheless thought the noble Earl was justified in moving for them, and in commenting on the subject of them, because they were at that moment in this position, that, looking at the present state of things, they must either conclude that the foreigner was willing to import into this country grain in enormous quantities with a certain loss, or else that the present low prices must be permanent. It was to get out of the difficulty in which they were placed, that these returns were, in all probability, moved for; because when they were laid on the table they would ascertain which of the two cases was the fact. In the first place, they would ascertain from what country they were importing, and the average prices in the ports from which corn had been lately imported. It might happen that large quantities of corn had been imported from France, and, if that were so, he should not feel so much alarm as if it were from the ports of Dantzic or the Baltic, because they knew that France, generally, was an importing and not an exporting country; but if it appeared that the quantities now imported were from the Baltic, and those countries which had unlimited means of production, and were sent to this country at an advantage, they must come to the conclusion that the present prices had no chance of rising, because it was undoubtedly the case, and never had been denied, that when once they established free trade, the markets in this country must range on the level of the markets of the world. He must say, however, that he was surprised at the want of courage of the free-traders; for, if they were consistent, they ought at that moment to say that low prices were what they wanted, and to congratulate themselves on what had fallen from the other side. They ought to have said, "The lower the price the better; for if, instead of 35*s.* a quarter, they could get wheat at 25*s.*, it would put 10*s.* into their pockets. This question presented itself to him in this form—Was it or not of advantage to the country at large that prices should range so low as to prevent some of those persons who had been occupied in the cultivation of the soil, and who had invested money in it, from deriving a sufficient profit from it to induce them to continue the occupation? It might be said by the free-traders, that the agriculturists had gone too far in bringing land not naturally rich into cultivation, and that all the money sunk in that cultivation was a dead loss; but if they took the other line, and said that not only was such land to be thrown out of cultivation, but that the agriculturists were to lay out still further resources by bringing still further land into cultivation, then it might be answered, why should they do so when they could get as much corn as they wanted from foreign countries, and at a cheaper price? But this subject could only be fairly discussed when the subject of the corn laws was properly before their Lordships. There was, however, one point to which he wished to draw the attention of the Government; and if any return could be made upon it, he believed it would be of the utmost importance. Nothing had struck him more in the operation of the corn law than the total abandonment of keeping any quantity in store, or on hand. There was nothing to supply the place of the bonding warehouses. It was extraordinary as far as his observation went, that a class of speculators who might naturally have been expected to supply the place of the bonded warehouses, did not appear to exist. Now, suppose a sudden blight was to come over the whole of the country at a critical moment of the corn crop. The consequence would be a rise of price to 120*s.* a quarter. That rather alarmed him, for he dreaded a high price equally as much as he dreaded a price too low. If, therefore, a return could be made showing the difference in the quantity now in store from what it was before the present law, it would be of importance. He was not for agitating the repeal of the corn law; it must have a fair trial; but in the course of it they ought to have every means of obtaining information as to the different points of it, one of which was the want of speculators to supply the place of the bonding warehouses.

The MARQUESS of LANSDOWNE believed there were no means of obtaining the return to which the noble Lord had referred.

The EARL of MALMESBURY replied. The object he had in moving for these returns was to ascertain the working of the present law from month to month. He did not expect that this discussion would have any effect upon the noble Earl opposite; because he had always placed that noble Earl in the category of those who never changed their minds, or condescended to go into details by which their principles might be shown to be wrong. He would only detain the House further by asking the noble Marquess how long it would be before the return could be made which he said he was willing to give?

The MARQUESS of LANSDOWNE thought that some time must elapse before the returns could be produced, but that they should be placed on the table as soon as possible.

On Question, agreed to. Returns ordered.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 23, 1850.

Minutes.] Public Bills. — 1° Weights and Measures.

RETURNS OF THE PRICES OF WHEAT.

Mr. NEWDEGATE wished to ask the right hon. Gentleman the President of the Board of trade the following questions:—From what documents, authorities, or sources of information the prices of wheat given in the Return No. 206 of this Session are derived; and whether the average—not the mean—prices of wheat per quarter for the years and at the places stated in the above return, are in the possession of the Government, and can be furnished to the House?

Mr. LABOUCHERE said, the returns to which the hon. Member referred gave the highest and lowest prices of wheat for a series of years in various parts of the Continent. They also gave the mean prices. This document was derived from various returns that had been made by the British consuls abroad, and were transmitted to the Board of Trade from the Foreign Office. The hon. Gentleman asked whether it gave the average as well as the mean prices? They did not give the average prices; for it was impossible for the Government to ascertain the quantity of wheat sold, so as to enable them to arrive at a satisfactory result upon this point.

Mr. NEWDEGATE said, that he had applied to the Board of Trade on this subject without being able to obtain any satisfactory information. Everything connected with the trade and navigation of the country should be printed. According to the Trade and Navigation Account, No. 50, ordered to be printed on the 15th of February, 1850, there appears, as entered for home consumption during the twelve months of the year 1849—

Wheat	4,509,626 qrs.
Wheat flour	1,123,491 ,,
Total	5,633,117 ,,

During the month of January, 1849, the duty—being at the rate of 10*s.* per quarter—received upon wheat and wheat flour amounted to 49,639*l.*, which represents an entry for home consumption of 99,278 qrs. Now, if these 99,278 qrs. are deducted from the total entries for the year 1849—5,633,117 qrs.—there remain 5,533,839qrs. which paid a duty of only 1*s.* per quarter, amounting to 276,692*l.*; add to this amount the duty received in January, 1849, 49,639*l.*; total duty received in the year 1849, 326,331*l.*; while the amount of duty stated as having been actually received upon wheat and wheat flour in the return No. 146, September, 1850, amounts only to 300,747*l.*; leaving a deficiency of 25,584*l.*, which, at the rate of 1*s.* per quarter, represent an unaccounted-for entry for home consumption of 511,680 qrs. Again, the quantity of wheat and flour entered for home consumption, according to the Trade and Navigation Accounts, No. 102, September, 1849, was, in January, 1849, 914,793 qrs., which, at the then existing rate of duty—10*s.* per quarter—must have produced a revenue of 457,397*l.*—a sum exceeding by 156,650*l.* the whole amount of revenue stated as having been received during the whole year 1849, in the return No. 146 of Session 1850. Could the right hon. Gentleman the President of the Board of Trade afford any explanation of these inconsistencies? Until the House was in possession of some data upon this subject, he submitted to the hon. Member for Montrose the propriety of postponing the Motion which he had given notice of that evening.

Mr. HUME said, that these returns would not affect the object which he had in view in bringing forward the question of which he had given notice. That object was to raise the question in that House as to how far we should be allowed to carry out the principles of free trade. It was his intention, therefore, to ask the Government to afford him an opportunity for bringing this question on.

Mr. LABOUCHERE thought it would be a great public convenience if hon. Gentlemen who intended to question the accuracy of any return laid upon the table of the House, would give some notice of the intention to the head of that department from which the return proceeded, so as to enable him to offer some explanation on the subject. The hon. Gentleman had made a very elaborate statement, questioning the accuracy of the returns made to the House; but until he (Mr. Labouchere) came to the House that evening, he had not the smallest notion that the hon. Member intended to bring the subject before them.

Had the hon. Member given him notice of his intention, he would have been enabled to ascertain whether there was any ground for the charge of inaccuracy. If the hon. Gentleman would give him (Mr. Labouchere) in writing the particular items which he considered inaccurate, he would take care that the Board of Customs should be put in possession of all the facts of the case.

MR. NEWDEGATE must apologise to the right hon. Gentleman for not having given him longer notice of his questions; but his great object was to prevent a discussion, if he could, upon a subject connected with those returns, which discussion would be premature and incomplete in the absence of that information which he required.

Subject dropped.

ENGLISH AND IRISH UNIVERSITIES.

MR. HEYWOOD rose to bring forward the Motion of which he had given notice, for an Address to Her Majesty for a Royal Commission of Inquiry into the Universities of Oxford, Cambridge, and Dublin. He said that the exertions of his predecessors in the cause of university reform had been attended with beneficial results, and he referred to the debates in the House of Commons, in 1772, to the petition of the sixty-three members of the senate of the University of Cambridge, in 1834, which was followed by Mr. Wood's Bill for the removal of religious tests. The Earl of Radnor had subsequently distinguished himself in the promotion of academical reform, as well as the right hon. Gentleman the Master of the Mint, the hon. and gallant Member for Middlesex, Mr. Christie, and others. If a stranger were now to visit Oxford and Cambridge, he would be surprised to notice that none of the tutors of colleges were married. Instances might be cited in which some of the ablest tutors in those seats of learning had preferred burying themselves in an obscure living in the country, rather than remain an ornament to their educational profession under a law of celibacy. Most of the conditions under which the property of the several colleges had been left, had to a great extent died out; and it seemed to him that at the present day very little of the intentions of the founders were observed. It was desirable, therefore, that inquiries should be made, not only into this property, but into the conditions upon which it was held. On looking over the charters of the universities, he found that they were accountable to Parliament. Under the charters of King James I., the burgesses for the universities were liable to be called upon to present true accounts to Parliament of the state of the universities and colleges which they represented. Thus, in the Cambridge charter, the burgesses for the University were required from time to time, "to make known to the High Court of Parliament the true state of the said university and of each college, hall, and hostel therein." The charter of the University of Oxford was the same; and the charter of the University of Dublin was very similar. So that under these charters he had a right to call upon the representatives of those learned universities to make known their true state. He contended, also, that though the colleges had enormous incomes, but little was done in the way of education. King's College, Cambridge, had now an income of 20,000*l.* a year, yet the whole number of students it maintained was only 13; New College, Oxford, was a similar institution with an income of between 15,000 and 16,000*l.* a year, and there were several other instances of a small number of students maintained in colleges of large income. It appeared to him the public were interested in making these colleges open institutions, so that they should educate a larger number of persons, and that the fellows should not be merely occupied in sitting in their rooms, eating dinners, going to chapel, reading books, and otherwise amusing themselves. The fellows should have something to do; and the more the subject was investigated, the more would it be found that some part of the collegiate revenues might be dispensed more usefully in other ways. Some funds, for example, might be devoted to the university libraries. At present every author was obliged to send a copy of his works to each of the universities; and yet, at the Bodleian, in Oxford, no person could take out a single book, though thousands were sent there annually. Notwithstanding the large income of the colleges of Oxford, the university, considered as a separate institution, was comparatively poor; and there was a subscription going round among the friends of the university, at this moment, for a museum which was in the course of establishment — and that, too, when the income arising from fellowships must be about 120,000*l.* per annum. At Cambridge the sums raised for the fellowships was about 90,000*l.* per annum; and at Dublin it was 30,000*l.*, including the provost's estates. If a true return were to be laid before the House of the revenue of these various institutions, Parliament would be able to judge much more accurately of the best mode to be adopted to increase their utility, especially as he did not see how the colleges themselves could well interfere. In several colleges they were prohibited by the statutes from making any alteration whatever; in proof of which he might quote the oaths taken by the fellows of King's College, Cambridge, and Corpus Christi College, Oxford. Under these oaths they could not introduce any alterations without the interference of some superior body; and he believed the best body to suggest changes would be a board of commissioners. Royal Commissioners had been appointed in the reigns of Henry VIII., Edward VI., and Elizabeth; and it was to the alterations made in the laws of the University of Oxford by Archbishop Laud that he attributed much of the present state of things. Laud was desirous to visit the University of Cambridge; but the Puritan party there were too strong to submit to archiepiscopal visitation. He suggested that the faculty of theology might be advantageously revised. A tutor in some of the colleges was often employed to teach Greek, Latin, mathematics, logic, and divinity, so that it was utterly impossible that he could properly prepare himself on these different subjects. He believed that one-fourth of the students at Oxford were annually plucked; and the reason usually given was that they had not succeeded in the divinity examinations. No tutor could lecture to young men of nineteen or twenty, who had already acquired considerable information, unless he had had sufficient time to prepare himself. It was of importance to the Church itself that there should be really good lectures upon theology; and in the University of Oxford it would be better that some more modern substitute should be found in the undergraduate course, for that dogmatic divinity which was so difficult to study in early youth, and at the same time so little in harmony with the present age. With regard to the landed properties of the colleges, he was sure that they might be made to return larger incomes if they were properly looked into. Christ Church had some land in his own county, from which a considerable profit might be derived if better arrangements were made, fines given up, and the ordinary system of leasing resorted to. The college property in Ireland was greatly mismanaged. On some estates in Kerry, the tenantry were extremely wretched; they were ground down by the system of middlemen, and the indifference or ignorance of Trinity College was really surprising. One fellow knew so little about the matter, that he actually inquired if the whole of Kerry did not belong to the college. There was an ancient law of Trinity College, Dublin, that, as the profits of the estates increased, they should be divided in proportion among the officers of the college. This, he believed, was not at present the case; at all events, he should be happy to hear that the junior fellows and scholars received an increase of salary in proportion to the increase of the estates, for he believed the salary they now received was very moderate. The University of Dublin was, in fact, the great literary institution for the whole of Ireland; and the excellent colleges founded by the right hon. Baronet the Member for Tamworth, at Cork, Belfast, and Galway, were only feeders or grammar schools to Trinity College, Dublin. Another subject of consideration with reference to Dublin College, was the compulsory taking of the sacrament, which in some instances operated with great hardship. A Roman Catholic student lately, by his ability and talent, gained a scholarship at Trinity College, and, on declining to take the sacrament, he was refused admission to this little office. He spoke not of the amount, which he believed was only 25*l.* a year, but it was the degradation inflicted on Roman Catholics by not allowing them admission to a scholarship. He had thought that with the repeal of the Test and Corporation Acts such a test would have been abolished; yet he believed that in Dublin a scholar was paid 50*l.* a year for performing the office of marking the names of those who attended the sacrament. He did not see why Roman Catholics or Dissenters might not enjoy the endowments of the lay fellowships. There could be no great difficulty in this, but the first step to it would be a searching inquiry. With regard to the tests at Oxford, he must say he never saw a greater farce or humbug than the signature to the Thirty-nine Articles at matriculation. The students did not seem to think at all of that part of the ceremony. And with respect to tests on degrees, both at Oxford and

Cambridge, he might say that it was mean and degrading in such distinguished bodies to maintain such a mode of proselytism. He did not consider it altogether gentlemanly. But if they permitted these tests to continue, the representatives of the people would not, for Parliament had a duty to perform which he was only sorry to observe had remained in abeyance so long. He should, therefore, be glad if the House would consent to the inquiry. At all events, he was sure the day was not far distant when a thorough investigation would be made into these subjects. At present too much was thought in the universities of ancient usages and ancient learning, whilst modern literature was neglected, including both that of our own native land, and of other European countries. How ignorant, for instance, was many an Oxford and Cambridge man of French and German literature! He was glad that in the University of Oxford there had been some encouragement of late for modern subjects. But he considered that that improvement would not be complete without connecting endowments with the new examinations, because it would be found that a purely voluntary examination, unaccompanied by any pecuniary recompense, would not excite that zeal and energy which endowments would be sure to create. He thought that on subjects like these the deliberations of such men as Mr. Macaulay and Mr. Arthur Stanley (son of the late Bishop of Norwich) and the Dean of Ely, would be of great importance. He must now allude to another extraordinary circumstance connected with these universities, which was, that although electors might vote for other Members of the House of Commons without having taken any religious test whatever, no elector could vote for a representative of either of the ancient English universities without having signed the Thirty-nine Articles. In his own case, he would have been happy to have voted at the last election for the right hon. Gentleman opposite (Mr. Goulburn), and for Mr. John Shaw Lefevre; but by the laws of the University he could not even be registered as an elector. There was also this great fault in the electoral system of these universities, that if a name was once struck off the register, it could not be registered again without the party residing one or more terms. It was a mistake to suppose, as some did, that these universities were exclusively devoted to the education of the clergy, because it appeared that only one half of the students received testimonials for holy orders. The other half were laymen, and became members of the bar, and of other professions. He thought it would be for the general interest of the country that a more liberal system of admission to these universities should prevail. He did not think that the establishment of the University of London sufficiently met the difficulty which was felt on the subject. He begged also to notice, before sitting down, the evils which arose from the extravagance of the students. From the facilities which were afforded to them by tradesmen for getting into debt, many young men were plunged into embarrassment for the rest of their lives. He had heard lately of a clergyman who had only succeeded in paying off his debts at an advanced period of life. Measures should be taken to check this system, such as providing that debts should not be legally recoverable from a person under age, unless the bills had been sent in to the parents or guardians within six months after having been contracted. He remembered, in his own case, one bill which had not been sent in for three years. How was it possible to test the accuracy of items under such circumstances? The scenes that occasionally occurred in consequence of such extravagance were much to be lamented. He remembered one young man who, during his year as a freshman at Cambridge, had spent 2,000*l.* He (Mr. Heywood) went one day to his chambers, and found him locked up in his bedroom, while in the sitting room three or four creditors were ranged on one side of the table, and three or four undergraduates on the other, the latter with their fists doubled to knock down the tradesmen the moment any of them attempted to force a way into the bedroom. The young man escaped at night through a back window, and went off to the West Indies. Perhaps there were noble Lords in that House who could bear testimony to the extravagance of the universities. He had heard of a noble Lord who had covered his father's table with bills on his return from Oxford. He thought, too, it would be improvement if the students all wore the same kind of dress, instead of undergraduates of different ranks having as at present to wear different dresses. In conclusion, he considered that the upper classes of the country would gain very much by a reform of the universities; while it would only be a measure of justice to persons in the middle classes of society, many of whom, from their conscientious opinions, were at present excluded from those great seats of learning. He would merely further state, that he should be sincerely rejoiced if the House would give their approval to the Motion which he had the honour now to propose.

Motion made, and Question proposed—

"That all systems of academical education require from time to time some modification, from the change of external circumstances, the progress of opinion, and the intellectual improvement of the people.

"That in the ancient English and Irish Universities, and in the Colleges connected with them, the interests of religious and useful learning have not advanced to an extent commensurate with the great resources and high position of those bodies; that collegiate statutes of the fifteenth century occasionally prohibit the local authorities from introducing any alterations into voluminous codes, of which a large portion are now obsolete; that better laws are needed to regulate the ceremony of matriculation and the granting of degrees; to diminish the exclusiveness of the University Libraries; to provide for a fairer distribution of the rewards of scientific and literary merit; to extend the permission of marriage to tutors of colleges; and to facilitate the registration of electors for the Universities; that additional checks might be considered with reference to the continued extravagance of individual students; and that the mode of tenure of college property ought to be ameliorated, particularly in Ireland.

"That as it is Her Majesty's right and prerogative to name Visitors and Commissioners to inquire into the ancient Universities and Colleges of England and Ireland, an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to issue Her Royal Commission of Inquiry into the state of the Universities and Colleges of Oxford, Cambridge, and Dublin, with a view to assist in the adaptation of those important institutions to the requirements of modern times."

Sir R. H. INGLIS said: * Mr. Speaker, the total absence of all bitterness from the speech of the hon. Gentleman who has moved the resolutions now in your hand, would render inexcusable any bitterness on my part, even if I were otherwise provoked to it. Yet, at the same time, I may be permitted to observe, that up to yesterday I was ignorant of the terms of his intended Motion; and up to this day the University of Oxford—and, I have reason to believe, the University of Cambridge, and probably that of Dublin also—will be found to have been kept in equal ignorance as to the charges against them, and as to the form and mode in which they were to be advanced. Yesterday morning, the only intimation of the hon. Member's intentions which was to be seen even on the books of this House, was, "Mr. Heywood: Universities of Oxford, Cambridge, and Dublin." Now I cannot but think, that, if I had placed on those books such a notice as this, "Sir R. H. Inglis: Corporations of Manchester, Stockport, and Bolton;" and had given to the Members interested in those places no fuller advertisement of my designs till the last day, and had made no communication at all to the corporations themselves, even on that last day, I should have expected to hear from the Member for North Lancashire, as well as from the Members for the boroughs in question, such accusations of want of candour, want of courtesy, and want of fairness, as I could not easily have repelled. The hon. Member and I must equally recollect what passed between us on the subject; and he will know, therefore, whether I had individually any right to expect an earlier and a fuller communication of his intentions. With this, however, I will not trouble the House at large.

While I desire the hon. Gentleman to remember, that those whose character is the most directly affected by his Motion, and whom I am bound most especially to represent and defend, were thus compelled to remain in ignorance of the precise charges which he intended to bring against them till they had been proclaimed before this House, I will not conceal from you, Sir, or from him, that we could not be altogether unacquainted with the nature of the accusations with which he threatened us. Those accusations had been embodied in a pamphlet—from the colour of its cover familiarly called the pink pamphlet—bearing the title of *A Letter to Lord John Russell on the Constitutional Defects of the University and Colleges of Oxford; with suggestions for a Royal Commission of Inquiry into the Universities; by a Member of the Oxford Convocation.*" This work, thus addressed to the First Minister of the Crown, was for some time circulated secretly, but not among those whom it attacks; though bearing the name of a publisher, he had not a single copy for sale: it is at length to be purchased; and it contains the substance of the bill of indictment which the hon. Member for North Lancashire has now preferred against all the ancient universities of the realm, but against the University of Oxford in particular. [Mr. Heywood: I was not the author of that pamphlet.] No, Sir: I never accused the hon. Member of being the author of that pamphlet: he is not its father; but he has adopted it; and, without betraying any confidence, I feel myself at liberty to say, that the hon. Member for North Lancashire is thoroughly cognisant of the work; and not only does not disavow it, but, in a certain sense, has made it his own. It was, in fact, understood, I believe, by almost every human being who read the pink pamphlet, that it represented the mind of the hon. Gentleman, and was to be the foundation of his statement in the House. I cannot, therefore, deny, that some of us have had some means of knowing some of the counts of the indictment upon which we are now brought to trial. The preamble to the indictment, or, if the hon. Member pleases, his first resolution, is a truism so obvious that I will not waste the time of the House by making another observation upon it. I proceed, then, to the disputed matters between us.

The indictment itself, Mr. Speaker, as I still venture to call the paper in your hands, contains ten counts, while the indictment originally drawn by the hon. Gentleman's clerk in the pink pamphlet consisted of eighteen counts; but still regarding that pamphlet as "Mr. Heywood's manifesto"—if he prefer the word—against the universities, whoever may be the penman, and knowing that the hon. Member has at all events given sanction and currency to it elsewhere, the House will, I am sure, forgive me if I should occasionally notice a charge against us, even if it be not repeated here in his place by the hon. Member for North Lancashire.

The first proposition, or count, laid by the hon. Member for North Lancashire, is as follows:—

> "That in the ancient English and Irish universities, and in the colleges connected with them, the interests of religious and useful learning have not advanced to an extent commensurate with the great resources and high position of those bodies."

I am compelled to repeat it, because I appeal to the House whether there were one single sentence in the hon. Gentleman's speech which even attempted to substantiate that proposition. There was, in truth, not one argument, or even allusion, which referred to the subject. And I contend, further, that unless the hon. Member shall establish at least a *primâ facie* case against the universities, he has no right on this ground, at all events, to ask this House to interfere by an address to the Crown, praying for the issue of a Royal Commission of Inquiry. And here I must be permitted to pause in reference to the general question.

I do not deny the right of this House to inquire into many things, though I do not always admit the expediency of the inquiry. I do not deny the right of Parliament, or of the Crown, to interfere with the universities in certain circumstances. I deny, however, that, as a matter of course, the Crown can, upon its own Motion, and by its own commissioners, whether or not, in answer to any address from either House, visit those institutions; though it is obvious that the Crown has a far better right to do so, than either or both the Houses of Parliament. But before I consent, Mr. Speaker, to a proposition like that now in your hands, it must be very considerably explained and modified; and I must be informed and satisfied as to the mode in which the inquiry is to be conducted. As to the two Houses conjointly, and still more as to either separately, I have no hesitation in saying, that they have no jurisdiction whatever in the matter. In the year 1647, the University of Oxford indignantly resisted a conjoint mandate of both Houses. I hold in my hand their answer at that time—"That His Majesty, and without him none other, is to visit this university." But even as to the Crown, its visitation must not be an arbitrary visitation. It must be exercised constitutionally, through the intervention of the Lord Chancellor. I will not enter into the question, whether in any case that visitation can be made without some previous complaint from some party alleging to be aggrieved, and requiring the remedial interference of the Crown; as little will I enter into the question how far the Archbishops of Canterbury, as such, whether by virtue of their own office or by any delegated authority, within their own province—and Oxford and Cambridge each are so situate—are at this day the immediate visitors of all places of education; though this last proposition was maintained before the Privy Council in the memorable argument of one whom I never name without respect and regret, the late Sir Charles Wetherell. It is enough for me now to say, that I do not deny the right of Parliament to interfere; or even the right of this House—in the character which it claims of being the grand inquest of the nation—to inquire, in respect to the government of the universities; though I do deny the right of this House to inquire into the amount of the property, or into the management of the property of any man, or of any body of men, or of any corporation, unless in the case of a party applying to the House for some power or favour. Even as to the Crown, if I admit, with all the preceding qualifications, its right to inquire into the universities, I deny that it has any such right or duty with respect to their colleges, the concerns of which are absolutely and essentially distinct from those of the university; most of which, as I shall presently show, have separate visitors, and all of which are amenable, like the other corporations of the land, to the jurisdiction of its ordinary tribunals.

I resume the case of the universities. The hon. Member for North Lancashire has well said, that the universities are lay corporations, and not ecclesiastical bodies; but when he proceeds to assert, as a consequence of that proposition, that, therefore, they are not to be considered as having a direct connexion with the Church, I must at once contradict his assertion. I maintain that, for more than six centuries they have been considered as the chief nurseries of the Church of England; that at no time have they ever been separated from the Establishment; and that at this day—and here is the origin of all the complaints, and all the attacks against them —they constitute the main human strength of the Church, and cannot be weakened without weakening the great superstructure. The proposition of the hon. Member has a direct tendency—and, I believe, a direct intention—to unchurch the universities, and to mix them up with every form of dissent. At present the governing bodies in the other universities, as well as in Oxford, are absolutely and necessarily members of the Church of England; and the interests of the Church of England are, accordingly, identified with the interests of the universities. It is true that Parliament has already unhappily taken the initiative, and has exercised its power, in respect to the hierarchical constitution of the Church, by destroying ten of its bishoprics—without the consent of the Church in any form, and against its notorious will. I grieved over that measure in its progress, and resisted it to the last. More recently, and in a very different spirit, Parliament has again dealt with our hierarchical system by creating one other bishopric; but with respect to the spiritual concerns of the Church, Parliament has no more right than the common council of the city of London to interfere in the matter. Even in respect to secular matters connected with the Church, Parliament ought to see its way very clearly before it could be expedient for it to interfere at all; and as to the Crown—I repeat it with all just respect—the interference of the Crown with the universities must be constitutional, and not arbitrary; and, whether on its own Motion, or in answer to an address from either House, must be through the Court of Chancery.

In much which the hon. Gentleman has said, he has fallen into the common error of confounding the universities with the colleges. Admitting, for the sake of argument, the right of the Crown to visit the universities—qualified, as I have qualified, the admission—the hon. Member has advanced very little towards his object: inasmuch as the case of colleges stands on ground entirely distinct from that of the universities in which they happen to be placed. He mixes up the aggregate wealth of the colleges in Oxford with the wealth of the university itself. He says—"Look at the enormous incomes of the fellows of colleges in Oxford, say 120,000*l.*—look at Cambridge, with its 110,000*l.*—look at the University of Dublin, with its 30,000*l.* per annum." He ought to have known that the income of the universities, as such, distinct from their colleges, is comparatively small: the income of the University of Oxford—perhaps the largest—has been mainly dependent on the fluctuating profits of its printing press; nor does the University of Oxford, as such, claim or expect any contribution from the independent bodies within its boundaries. Does the hon. Member know that there are eighty-nine city companies within the city of London? Does he know that each of these is independent of the other, and that all are independent of the city itself? Does he know that no one of them can be compelled either to contribute to the benefit of any other, or to the promotion of any public object, for the general benefit of the whole city? Does he know, by the by, that some such Commission as he desires to evoke in the case of the universities was issued some sixteen years ago, in reference to the municipal corporations of the city of London, and that no one of those corporations was compelled, or compellable, to answer a single question? What may be the aggregate income of the eighty-nine companies of London — shall I call them the colleges—does not appear; some having refused, and many having only in part consented, to supply the information which His late Majesty's Commissioners sought to acquire, and sought in vain; but returns were received from three at all events — the Drapers' Company, for the year 1833, being 23,811*l.* 12*s.*; the Fishmongers' Company, for 1833, being 20,784*l.* 15*s.*; and the Pewterers' being under 1,300*l.* This furnishes a fair analogy to the case of the University of Oxford: the aggregate of the incomes of its colleges is no more to be added to the income of the university itself, than the income of the companies is to be added to that of the city of London; and least of all is the hon. Member entitled to say, "See the enormous wealth of the University of Oxford, and see how little that university does with it!" He might as well exclaim, "How much better would the city of London prosper if it could absorb, for city purposes, all the great resources of the separate and independent bodies which happen to be confederated within its walls!" He might, at all events, be equally entitled to ask, that the Drapers' or Fishmongers' Companies should help the poor Pewterers', or should contribute their wealth to the formation of a great library in Guildhall, as to require that any college in Oxford should allocate some of its superfluous wealth to some poorer college, or should furnish the university with another library.

The hon. Gentleman's second proposition—the second count in his indictment—is—

> "That collegiate statutes of the fifteenth century occasionally prohibit the local authorities from introducing any alterations into voluminous codes, of which a large portion are now obsolete."

Admitting the distinction between the statutes of particular colleges and the statutes of the university as such, and postponing for the moment the consideration of the charge in respect to the statutes of colleges, I state, broadly and distinctly to the House, that the University of Oxford has been a great self-reforming institution since the commencement of the present century. It has had the power, and it has exercised the power, of altering its own statutes. I am not called upon to defend in every particular either the system which existed up to the year 1800, or the system which has existed since, or even the alterations which on this very day, Tuesday, the 23rd of April, are now under the consideration of the University. It is enough for me to say, that abler and more independent minds cannot be exercised on any subject. My object is to show that, so far from the laws of Oxford being such as may not be changed, they have been in a steady course of revision and reform for the last fifty years; and the statutes which at the close of 1799 occupied no more than 320 pages, now occupy 567—a sufficient proof that the internal authority of the University is neither unable nor disinclined to pay the fullest attention to the best means of self-government, and to adapt their institutions to the requirements of the present day.

I now proceed to the statutes of particular colleges. The hon. Member for North Lancashire said, as I took down his words at the time, "the greatest number of founders left their property for the souls of themselves and their predecessors;" as if thereby masses were prescribed by the greater part of founders. Now, I am willing to admit that one college, All Souls, was so founded; but the supreme authority of the State has not merely sanctioned the abandonment of that object by the college authorities, but has proscribed it, and has for 300 years rendered it illegal for them to celebrate mass. Under these circumstances, is it then a charge against All Souls that its actual occupants do not revive the service of the mass?

The hon. Gentleman's coadjutor extends, as I have already implied, the list of our misdemeanors. He says—

> "All founders enjoin that the Bible should be read during dinner-time, a practice which is utterly disregarded. They no less strictly enjoin that no language but Latin should be spoken in the college."

Now, amongst the gross and almost countless mistakes — I will not use a harsher term—with which that pamphlet abounds, this conclusion is obvious to the most cursory reader—to the one who may know the least of the foundations in Oxford, that the writer has confounded the truth, it may be, in respect to three or four, or, at the most, five colleges, with that which is not the truth with respect to the far greater number of the colleges. In the face of the House I deny the accuracy of these allegations. I state, further, that they are mistakes of a character so gross and palpable, that, if the writer had taken the ordinary pains to inquire, he could not have them; and as I have reason to know that the pamphlet, even before its publication, was not wholly unread in Oxford, the writers and their confidential readers before such publication, may divide the blame between them.

The third charge, in the mere words of the hon. Member for North Lancashire, does not represent his real meaning: those words are, "that better laws are needed to regulate the ceremony of matriculation." The hon. Member, I suspect, really means to alter all that passes at matriculation, so far as it is a security either to the Church or to the University. At all events, his coadjutor, while noticing the admission of a young man into the University, refers us, in stern language, to "the whole mass of obsolete, absurd, yet unrepealed statutes, which disgrace the Statute-book of the University. Whether absurd, ludicrous, or in the present times impossible to be enforced, the student yet promises to obey them all." And that this promise is meant to be a promise by oath is proved, first, by expressions in the same page, namely, "the oath of obedience to observe the Statutes," and, secondly, by the words in direct context, in a solemn appeal to my noble Friend the Prime Minister:—"Surely, my Lord, universities are not the places where we can afford to teach young men to trifle with the sacred obligations of an oath!" Now, will the House believe, that no oath whatever is taken by any young man on his matriculation to observe the Statutes? Is it possible that the reformer of the University of Oxford at the present day should be ignorant of that fact? Does it entitle him to credibility in his other statements, that he should not know that, since the year 1837, no such oath has ever been administered to any young man on his matriculation? But such is the case; and while the Oath of Supremacy is tendered and taken, an admonition—as a substitute for an oath—to obey the Statutes is now addressed by the Vice Chancellor to the applicant for matriculation; and this in consequence of a formal change in the Statutes of the University. So much for "solemn oaths to obey impossible Statutes"—one of the grievances, which, it seems, "constitutes a valid reason for an appeal to the Supreme Legislature."

"The oath (qu.) of obedience," says the hon. Gentleman's fellow-labourer, "to obey the Statutes will bring us to the subject of subscription to the Thirty-nine Articles, in force at Oxford alike for graduates and under-graduates." Without entering at this moment on the great question of maintaining subscription as the test of Churchmanship, and, therefore, justifying its use in the University of Oxford—as promoting, so far as any human means can promote, the unity of the faith amongst us—it is obvious, that, if we require, as in ordinary charity schools we require, boys and girls to give Scripture proofs for the statements in the Catechism, there is a consistent propriety in a Church-of-England institution, in requiring that young men admitted into the University of Oxford should be prepared, by their own knowledge, to subscribe the Articles. I have it on the authority of a most experienced tutor in one of the colleges, a gentleman to whom I am otherwise much indebted, that, previously to the signature of the Articles by young men, he had himself tested their knowledge, and that the large majority of them were as well prepared to answer in reference to the Thirty-nine Articles as many of those who were candidates for Holy Orders. Another tutor made and published a still more striking statement, some years ago:—

> "In the college to which I have the honour to belong (Balliol), it has been for a long time past the practice to examine the candidates for entrance in the history of the Bible and in the leading doctrines of the Church of England as contained in the Catechism. To these subjects of examination we have within the last few months added another in the Thirty-nine Articles, with a view to the subscription to be made at matriculation. We have found that, even without previous knowledge of any such intention on our parts, the candidates had, almost without exception, read and considered the Articles, and were able to give a satisfactory account of the leading doctrines contained in them."

I do not mean, that, in every college, such preliminary examination takes place; but I do mean, that the statements, which I have already made in reference to two colleges, justify the hope that the young men who enter the University of Oxford through the other colleges, exhibit generally the same acquirements; and that I have furnished some evidence to show that the conclusions of our opponents are not probably true; and that the "laxity" with which subscription to the Thirty-nine Articles is proposed on the part of the governing body in Oxford, and "the ignorance and the recklessness" with which, on the other part, the act is adopted by the young men, do not in fact exist, and cannot, therefore, constitute a sufficient or even a plausible ground for compelling us to abandon this test of our Churchmanship.

This leads me to notice—though out of its order in the formal list of charges—what I believe to be the real and ultimate object of the hon. Member's Motion; to which all its other points are merely subordinate; and without which we should have heard little of any one of them. I refer to his proposed remedy for the eighth evil existing in our system; that remedy is "to facilitate the registration of electors for universities." It may not perhaps at first occur to every Member whom I am now addressing, that, under these simple and apparently guileless words, is concealed the great design of the hon. Gentleman, the admission of Dissenters into the University of Oxford from the beginning, and the admission of himself and of other Dissenters into the governing body of the University of Cambridge. The hon. Member is excluded by his own conscience from being one of that body; and he endeavours to enlist your sympathy, Mr. Speaker, in his privations, by telling you, that, if they had been removed, he would have voted at the last election for your distinguished relative; and he endeavours to flatter my right hon. Friend near me (Mr. Goulburn) by saying that, if he had enjoyed the privilege, he would have voted for him also. It appears, then, from the hon. Gentleman's own account of himself, that the subscription to the Thirty-nine Articles is the great and effectual bar to the admission of Dissenters; in other words, to a new registration of electors. It would have been bolder to have said at once, "This is my real object; give all the rest, and you will leave me and mine discontented; grant this one boon, and the subordinate objects will take care of themselves."

I do but justice to the hon. Member, when I say, that he makes no "demand." I recollect, on a former occasion, when the case of the Dissenters was under our consideration, that a petition was presented from a congregation of their body at Bradford in Yorkshire, claiming, as a common right, to be admitted to all the colleges, of either University, with the exception, perhaps, of one college; though they did not condescend to specify it. It may be, that those who are members of the Church of Rome might ask for admission to some colleges more plausibly than they can ask for admission to others; more plausibly in respect to colleges founded in Papal times than to colleges founded since the Reformation. I hold, that they have no right of admission to any, whether to colleges which for more than three hundred years have been devoted to the service of the Established Church under every sanction which law can give, or to colleges founded specifically for anti-Papal objects since the Reformation. But as to Dissenters, what claim can they pretend to urge in reference to foundations which were never disconnected with the Established Church of the times; which were founded, almost all, before dissent was either tolerated or in being? As to the colleges founded in Papal or in anti-Papal days, it is true that in Oxford twelve were founded before the Reformation, and only seven since; but the liberality of Protestants has so enlarged the older foundations, that the proportion of property is greatly altered in Oxford, and quite reversed, as I understand, in Cambridge. The number of fellowships and scholarships in Oxford also is much in favour of Protestants, if we looked to nothing but the creed and the intentions of the actual founders.

I return to the regular series of counts in the indictment against us. The fourth charge of the hon. Member assumes "that better laws are needed to regulate the granting of degrees;" and the fifth, "that better laws are needed to diminish the exclusiveness of the University libraries;" and the sixth, "that better laws are needed to provide for a fairer distribution of the rewards of scientific and literary men." Whether on reconsideration, the hon. Gentleman did not think that the charges were worth any trouble on his part to prove, I know not; but I appeal to the House, whether he uttered one word in support of them; and, therefore, with the mass of other matter which lies in my way, I feel, in like manner, justified in passing on to the next charge, against the existing system of the universities of England.

The evil here complained of is the forced celibacy of the tutors at Oxford; and though he postponed it as a charge to six other matters in his resolutions, it came very prominently forwards in his speech. "The first thing," said he, "which would strike a stranger on arriving in Oxford is, that so many tutors are unmarried." The fact, whatever be its value, would not strike me at least with wonder. Tutors are generally selected from resident fellows; and every fellow knows on his election as such, and has known it from his own entrance into the University, that marriage vacates a fellowship; and that he cannot therefore enjoy the two incompatible advantages. The same rule applies to other institutions as well as to colleges in Universities. Take, for example, Dulwich College, the founder of which, while he stipulated for all posterity that the Master and the Warden of his college should always bear his own name of Allen, however variously they might spell it, provided also that they should forfeit his endowment, if they married. The late Lord Holland brought in a Bill to enable the master, I think, the late Mr. John Allen, to marry and yet to retain his office; but Charles, Duke of Norfolk, resisted the Bill successfully, on the ground not only that, without due cause, it set aside a founder's will, but that it almost rendered the office hereditary in families of the actual master and warden; all other Allens losing their chance of succession in the too probable nepotism of the reigning chiefs. In point of fact, however, all tutors of colleges are not necessarily unmarried, inasmuch as all are not necessarily actual fellows. I had a letter this morning from a distinguished man, a tutor and formerly a fellow of one of those colleges which the hon. Member's "stranger arriving in Oxford" might first espy; and who is the father of "two charming children;" and who, though possessed of ample means, continues to reside at Oxford, not merely labouring in actual tuition, but contributing also to the general usefulness of the place.

It would seem, from the hon. Member's speech, that the restrictions of which he and his precursor severally complained, had had the effect of preventing the existence or the succession of a competent race of tutors. First, there was their forced celibacy; then, there was the limitation of fellowships to the natives of particular dioceses, counties, or even parishes; and then, there was the unfairness of the elections even in these limits. I have already said and proved, that, as all tutors need not be fellows, so they need not be all unmarried; next I may say, that in some colleges which may not at the time contain one willing as well as able to undertake the office of tutor, another gentleman is invited from another college; in the third place, I am prepared, with my papers here, if the hon. Member had brought the subject before the House, to defend, as I believe, thoroughly, the two elections in Exeter College, to which the pamphleteer has largely adverted, and fully to explain the election at Queen's College, which also he has noticed; but as the two former cases involve personal character, I will not needlessly force them upon the House, where the hon. Member has himself been silent.

But, on the more general system, it is said, that it is fatal to the production of eminence. Now, postponing, for the present, the consideration of the relative merits of the tutorial and the professorial systems, I am prepared to show, that in Oxford the tutorial system works well. I hold in my hand a list of the tutors of every college, as they stood last year; I take the colleges in seniority. The first is University College: there are four tutors, each a first-class man; the junior is Mr. Donkin, double first-class, mathematical scholar, and professor of astronomy; the senior tutor is Mr. Stanley, son of the late Bishop of Norwich, but himself indeed requiring no light from others—known as in the first class in classics, Ireland scholar, Latin scholar, prizeman for the English essay, as well as the Latin essay, and author of the *Life of Arnold*. The next college is Balliol: its four tutors were each in the first-class; two, in different years, were prizemen; one was Latin scholar. The three tutors in the next oldest college, Merton, had each a first-class place, two in classics, the other in mathematics. The fourth senior college is Exeter: there are six tutors; one was a wrangler introduced from Cambridge—a proof that colleges are not restricted to their own members in the selection of tutors; of the five others, one is Mr. Sewell, who, besides being in first class in classics, as well as having gained the Latin Essay and the English essay, has also been elected by a special board in the University to one of its professorships. Three of the other four tutors were also first-class men; but, in saying this, I do not mean that such a position necessarily implies any pre-eminence in the power of teaching others. All I mean to say is, that the most obvious and popular test of distinction, as applied to relative attainments within the university, would prove the utter inaccuracy of the accusation that the existing system of selecting tutors has failed to enlist in that profession the most eminent talents of the place. I should weary the House, though not myself, by continuing the list: I have taken the four senior colleges; I will close with the junior college in the university. Worcester college has five tutors, who have all taken a first-class degree—one of them, the friend to whom I have already alluded, a double first-class. I have said enough, I am sure, to satisfy the House that those to whom the actual superintendence of the studies of each college is committed, have themselves shown that they possess the prerequisite for the office, in the great acquirements of which their own degrees are the full and sufficient evidence.

I am, perhaps, justified in submitting these statements to the House by the hon. Gentleman's own reference to the duties of the burgesses of the universities, whom he reminded, in the course of his speech, that King James I., when he first empowered those universities to send their representatives here, required, and expected, that the said burgesses should, from time to time, report to this House the state and progress of the said universities. However incompetent I may be to discharge the duties of that requirement, my Friends before whom I now stand, the Members for the Universities of Cambridge and of Dublin, and my right hon. Friend and Colleague (Mr. Gladstone) will assuredly be able to make such a statement to this House, in respect to all three universities, as ought to satisfy this House, and even the hon. Member for North Lancashire himself, as to all the facts of the case, without the intervention of any Royal Commission of inquiry.

Individually, I happen to be acquainted with one circumstance which, as it has not been publicly mentioned by friend or by foe, and as it relates to a college which has frequently been assailed, I venture to give on my own authority. I refer to Magdalen College in the University of Oxford. That college was founded for forty fellows, thirty demies, and a certain number of subordinate members. A gentleman, recently educated in that college, but not on its foundation, bequeathed, on his death, 20,000*l.* to the college, for the purpose of adding four fellowships to their number. The college declined the legacy, alleging, though not as its single reason, that their founder had constituted his college for forty fellows, and no more. This, at least, was no proof of their grasping covetousness. It was said that the numbers in that college were few compared with their resources; whatever be their numbers, their list of honours and prizes, in the university calendar, authorises me in asking, are their distinctions unworthy to be placed in comparison with those of any other college?

An incidental charge brought out against the universities by the hon. Member, and not contained in his formal indictment, was, that the young men, as well as the fellows, "did nothing but eat dinners, go to chapel, and read books." Why, I should have thought, that to read books and to go to chapel were the proper objects of a university life; and that to eat dinners was a necessary requirement of our nature, whether in college or elsewhere.

Another charge, which also has been brought out in the speech of the hon. Gentleman, though not contained in his Motion, or, in truth, substantiated by a single fact—its value resting on an absolutely unsupported allegation—is, that Archbishop Laud meddled so grievously with the whole system of education in Oxford, that the university has not yet recovered from the effects of that interference two hundred years ago. For myself, I have never heard such a charge before till now, when made in this House. But I know that some great authority once held that the Laudian statutes were unalterable; and if that opinion had prevailed, I can well conceive that the imposition of such statutes in the reign of Charles I. would have been a serious burthen in the reign of Queen Victoria; but, as I have already had occasion to state, the whole progress of the University of Oxford, from the commencement of the present century, has been marked by changes in those and other statutes.

Nothing will satisfy the hon. Member. He has already complained that young men are required to subscribe the Articles. He now complains that they are subjected to an examination in those Articles. Surely it is not unreasonable to require that those who, by subscription in the first instance, have enrolled themselves as members of the Church of England, should further, when they are candidates for a degree, which is generally essential to admittance into Holy Orders, be required to show by examination that they duly understand the Articles of the Church of which they either profess to be members, or aspire to be ministers. What would the hon. Gentleman have said, if the University of Oxford had permitted its younger members to seek for holy orders in the Church without first testing their knowledge in its fundamental truths? The hon. Gentleman says that it is "mean and degrading" in the University of Oxford, to tempt, by requiring, any man to sign the Articles at all: surely, it is more "mean and degrading" to the man himself, who, without a belief in the doctrines of the Church to which he professes to belong, shall, nevertheless, for any human object, subscribe what he does not recognise as truth. No, Sir; while I leave here untouched the question of subscription to the Thirty-nine Articles at matriculation, which act, as I have already shown, is very far from open to the charges against it, I can still less conceive, that any man, who recognises the connexion between the Universities and the Church—a connexion never yet severed—can reasonably object to the examination which alone enables any one to enter the ministry of that Church with intelligence and fidelity.

But the most extraordinary of all the charges brought by the hon. Member for North Lancashire against the Universities, is not what they do, but what they have left undone. He thinks that "a substitute for the dogmatic theology of Oxford should be provided." He complains (I took down his words at the time) that "clever and able men are not employed to teach the great discoveries which have been made in theology since the days of Queen Elizabeth." Discoveries in theology! The subject is too serious to notice further than this—that all the truths of religion are to be found in the blessed Bible; and all "discoveries" which do not derive from that book their origin and foundation, their justification and their explanation, are worth neither teaching nor hearing. In juxtaposition to this charge, though in no conceivable way connected with it, in the hon. Member's speech, is, the tenth of his formal charges, namely, that college lands ought to be better let; and he told us a story of one of his friends who has a most beneficial lease in Lancashire under one of the colleges in Oxford, Christ Church. Whether he means to benefit his friend or the college, by calling this public attention to the easy way in which they have hitherto dealt with each other, I know not: but I receive the general statement and the particular illustration of it, as some evidence that the rights of property are not graspingly exercised by the Universities to which those rights belong. The hon. Gentleman proceeded to specify, as chiefly requiring alteration, the liberal way in which the estates of Trinity College, Dublin, are leased. The general answer to all is, that, by long usage in both divisions of the empire, ecclesiastical property and the property of colleges, have never been let at a rack rent; and that, whether the proprietors may or may not complain of the custom, the tenants and their friends have certainly no grievance.

The next charge of the hon. Member is the compulsory taking of the Holy Communion, particularly in Trinity College, Dublin. What may be the fact there I know not: but I do know, that at my own college there was no compulsion of any kind or degree. Having deliberately made this assertion, I pass on to another charge.

Oxford, it seems, "is much more monastic than "Cambridge;" and requires, therefore, increased reformation. The hon. Gentleman has not only not proved his charge, he has not even explained it. I have heard, indeed, of the "monks of Magdalen,"—an expression of one of the most unhappy of its members, Gibbon, who never, I trust, will be reckoned one of the ornaments of Oxford; since his talents and acquirements have only rendered his writings more injurious; but whatever might be its accuracy in the day of Gibbon's youth, it is most inapplicable to the existing race connected with that college, the younger members of which have had, as I have already noticed, their full share of University honours; and the venerable President of which, in the ninety-fifth year of his life, retains all the freshness of memory and mind which would render remarkable a man of half his age.

The great charge, however, against Oxford is one which is equally applicable to Cambridge also; and therefore I cannot defend my own University without presuming to defend its sister likewise. This charge has now been made for more than forty years. It is, that the ancient and original system of all the Universities of Europe, the professorial teaching, has been changed in those of England to the tutorial; that tutors in private and independent colleges have superseded the professors in the great body of each University; and that it is our duty to restore the professors to their ancient functions with at least ancient vigour. On the general question I cannot but think that the admirers of the old system mistake the age. I do not deny that the professorial teaching was once essential and inevitable; and I admit that it is still necessary in some sciences, and is in many advantageously combined with the tutorial system.

But I contend that these gentlemen who, whether from the north or from the south, now clamour for the revival of professors as the authorised teachers of all which is to be taught in Oxford or in Cambridge, mistake the infancy of education for its maturity. Professors taught in the universities of Paris or Bologna, where colleges like those of England never existed; or they taught in the English universities before the foundation of distinct colleges therein for the regular reception and training of their several members. In either case the whole relation of teachers and learners was absolutely different from its actual state. It is so obvious to me, that I am sure it must have occurred to hundreds, though I do not recollect the explanation elsewhere, that the professorial system was introduced when there was no printing; that it was not merely excellent but indispensable when there were no printed books, and few manuscripts, wherein young men could study for themselves and by themselves, and when, therefore, thousands came from every part of Europe to seek learning from the lips of its almost sole depositories—the Abelard or the Peter Lombard of the day. But the foundation of colleges led naturally to instruction within the walls of each; and the invention of printing made each pupil comparatively independent within the walls of his own college. That which was inevitable six centuries ago has become less necessary or less useful now, in reference to moral truth, history, or ancient languages. At the same time it is equally obvious that, in experimental philosophy, or in the mixed sciences, where an apparatus is essential, the student can derive advantage from professors alone. Here, then, the professorial and the tutorial system can go on well together; and the young man, with his faculties trained and prepared in his own college for the fit reception of truths which can only be advantageously taught and exhibited in the lecture room, goes forth into the university, well qualified to combine the advantages of both systems. I hold in my hand abundant evidence that the professorial life is not extinct in Oxford: here are the notices of some dozen professors opening their courses for the last and present term: for the use of these notices, as well as for many far greater favours, I am indebted to a reverend friend whose life is spent in the service of the University of Oxford. Now as one of the incidental charges of the hon. Member for North Lancashire was, that the modern languages are neglected at Oxford, it ought to be a satisfaction to him to hear, what I now proceed to read, that "the teachers of French and German will begin their lectures on the 22nd and 23rd of April respectively; these lectures are free of admission, and are open to all members of the University."

I have said enough to prove that the tutorial and professional systems do go on hand in hand together at Oxford: it is, indeed, impossible to compel young men to attend a lecture in the same way in which a boy is compelled to attend a class in school; and I am quite willing to admit, that the lectures of the most eminent professors in Oxford are very scantily supplied with pupils; and that the same fact is, perhaps, not less apparent at Cambridge also. The hon. Member for North Lancashire, while he admits our improvement, says, that "they are futile, unless the progress of the young men in subjects taught by professors be tested by a public examination." Without entirely recognising his conclusion, I do not deny, that a public examination, if itself compulsory, would test the proficiency which pupils attain in a lecture room: but the life of a young man in either University is short, seldom exceeds three academical years, and never exceeds four years; the requirements of the University of Oxford in classics, in mathematics, and in theology—without competent acquirement in theology, no other knowledge will ensure success—are almost every year advancing. Health, if not life, is continually sacrificed in the attainment of honours; and every year, perhaps, one-sixth of those who seek an ordinary degree are unable to attain it, If then, under the actual system, one out of every six is "plucked," in the technical language of the place, beware how you inflict that consequence on a still larger proportion; you not only injure alike the parents and the young men, who are the immediate sufferers, but you injure the University itself, by extending such a result to so many, that it ceases to be a disgrace to any one.

Before the increased rigours of the University examination, many more had leisure to attend the lectures of professors in those subjects which are not directly connected with that examination. A late eminent man, whose works and whose name must be familiar to most of those around me, Professor Smyth, explained this result well. In his return, dated January 1846, in obedience to an order of this House, he states—

> "The number of pupils that used to attend (my lectures) were for some years from seventy to ninety; but when the examination called the 'little go' was instituted, I lost a considerable part of my audience, one-fourth at least. My audience afterwards dwindled down to about eighteen or twenty, in consequence of the multiplicity and intensity of the college and public examinations, of the universal system of private tuition that of late years had been introduced into the University, and the strict impartiality with which the honours and emoluments of the place are conferred on the merit that is so accurately tested by these examinations."

I assure the hon. Gentleman that I am not one of those who would undervalue the importance of modern history, modern languages, or modern sciences; but the question is, whether they can be adequately taught at the Universities, while the pressure is so great and so increasing, in respect to the peculiar and severer studies which belong to the place. While the hon. Member has complained that modern literature is neglected both at Oxford and at Cambridge, he has not condescended to use the vulgar phrases which depreciate the study of the works of the master minds of the ancient world. I wish both in their turn; but both cannot be competently acquired together: and the English universities are not intended so much to complete any man's education as to enable him to complete it for himself. The Universities are means, not an end; they are levers, raising men to the level from which they are fitted to diverge with vigour in every direction and to every profession; and they have been such not for the last two or three generations only, but systematically from their first organisation. Three centuries ago, the same description of their objects and tendencies was given by one of the greatest and wisest men of the Church of England, Archbishop Parker. In a paper drawn up by his own hand, referring to the manner how the Church of England is administered and governed, he says—

> "Moreover, this realm of England hath two Universities, Cambridge and Oxford; and the maner is not to live in these as within houses that be inns, or a receipt for common guests, as is the custom of some Universities; but they live in colleges under most grave and severe disciplin. . . Every one of the colledges have their professors of the tongues and of the liberal sciences, as they cal them, which do trade up youth privately within their halls, to th' end they may afterward be able to go furth thence into the common schoole as to open disputation, as it were into plain battail there to try themselfe."

Archbishop Parker has here marked, in his time, three centuries ago, the distinction which even then existed, and which still exists, between the English universities and those in any other land. Our universities are not German universities; and, I hope, never will be; they combine domestic with public life in a way unknown even to the other universities of our own land. Colleges, in the English sense of the word, are all but non-existing, whether in Scotland or in Ireland; I mean that neither Scotland nor Ireland has an institution wherein there is a common religious service, and a common refectory for all their members; and in which all the younger members—this is emphatically the case in Oxford—sleep under the same roof. At one time, indeed, the English universities were something like great schools: Lord Bacon entered Cambridge at thirteen years of age, and the discipline of Milton's day in the same university was adapted to a school rather than to the university. But for much the larger part of the interval since the Reformation the English universities have remained, as they are now, places in which the Church of England has trained her youth for every liberal profession and for every generous occupation.

The design and the tendency of the Universities to fit men for the study of their future professions, rather than within their own walls, so to teach law or medicine, for instance, as to supersede any further and more distinct application, may be especially illustrated in the case of the eminent lawyers whose names adorn the University of Cambridge. The study of mathematics there so requires close and patient application, and so strengthens intellectual acuteness, that we trace in the most eminent candidates for honours at Cambridge the elements of that success which has placed on the highest bench of justice so many senior wranglers.

The hon. Member for North Lancashire must not, then, confound the means with the end: he must not assume that all men, or any man, can be sent forth complete for any profession from an English University. The age at which they enter, the age at which they leave, Oxford or Cambridge, alike forbid it; but the Universities, as now administered, faithfully and successfully discharge their duties by qualifying all, who rightly employ the means entrusted to them, to apply their talents and their acquirements to the just objects of every profession. Each college may be said to have the means within itself of carrying forwards education to this end. Oxford, indeed, is not so much one University, as a federation of twenty-four universities in its separate colleges and halls, bound together by the public examination common to all. Each college, as I have already said, can exhibit a list of distinguished men as its tutors; the whole University, as I prove by the list which I hold in my hand, can exhibit a list of distinguished men as its professors; whether nominated by the Crown, or elected by the University itself, or by independent boards within it. The author of the pink pamphlet, indeed, sneers at all alike; and though the hon. Member for North Lancashire has not here adopted his language, I feel bound to say, that systems which have placed at the service of the University men of such undoubted eminence, however they may differ from each other —as the professors whose names I here exhibit—cannot be said to have failed in bringing into full prominence great and active talent.

At this moment I am informed by my right hon. Friend and Colleague (Mr. Gladstone), that the result of the discussion which I have already mentioned as this day in progress at Oxford has arrived in London; and that the new statute with respect to the studies of modern history and jurisprudence has been carried by a majority of 127 to 74; an instance of progress, arising from the development of the internal powers of the University of Oxford, which ought alone to stop the Motion of the hon. Member for North Lancashire.

I was stating how much the professorial system is co-operating at Oxford now with the tutorial; and this leads me to notice a charge against one of the ablest and most conscientious men who adorns a chair in that University; even though the charge has not been repeated here in debate. The pink pamphlet has called upon Dr. Ogilvie, the Regius Professor of Pastoral Theology, to resign his living at Ross, as inconsistent with the duties of his professorship. Now, if there be any professorship which requires an habitual acquaintance with the duties of the pastoral care, it is the professorship of pastoral theology; few, indeed, will deny that he, whose function it is to teach pastoral duties, ought himself to be a pastor; and I have good reason to know that while Dr. Ogilvie devotes six months in every year to his lectures, he acquires new means of adequately supplying them with the fruits of personal experience by residing the other six months among his people at Ross; and this, not by six months' continued residence in the one place and in the other, but by six months distributed over the year in his parish, and including the three great festivals of the Church. In Oxford he has been attended —since my right hon. Friend Sir R. Peel recommended him to that Regius Professorship, in 1842 to the present year 1850, by 940 students—diligent attendants, who have subjected themselves to such questioning and examination in the matters read and conveyed to them as have imparted to their intercourse with the professor, the character of catechetical instruction. It is due to such a man, attacked anonymously as he has been, to bring the truth forward when the working of English universities is the subject of discussion.

Another professor, whom my right hon. Friend the Prime Minister (Lord J. Russell) may well take pleasure in having recommended to the favour of the Crown, the Rev. Dr. Jacobson, the Regius Professor of Divinity, is, I believe, rendering the most essential service to the Church and to the University by the mode in which he discharges his important duties. The Margaret Professor, the Regius Professor of Ecclesiastical History, and the Professor of Exegesis, have all their regular classes.

It is due to all parties to state that other professors are in like manner faithful and diligent in their several functions. That they are seldom attended as their own zeal would desire, is not the fault of themselves or of the young men. I have already called the attention of the House to the exhausting nature of the studies which the competition for degrees requires; more cannot be compressed in the same space of time; and, though the remedy is obvious, of enlarging the time of study, and extending it to another year, there are counterbalancing evils which, I think, ought to check any change. I mention one only, namely, the increase of the aggregate expense of an university life by one-fourth or one-fifth; a result which would be almost fatal to many parents.

Before I quit the subject of professors, and the means of profiting by their lectures, I avail myself of the temporary absence of my hon. Friend the Member for

West Surrey (Mr. Henry Drummond) to call to the notice of the House the fact, that at his own private expense he founded and endowed the chair of political economy in the University of Oxford: and in that chair, the monument of his liberality, have sat such men as Archbishop Whately, Mr. Merivale, Dr. Twiss, and Mr. Senior.

These are professors elected by convocation; by certain great officers of State have been elected Mr. Johnson and Mr. Donkin, to the Savilian professorship of Astronomy; by convocation and by the Royal College of Physicians, Dr. Daubeny has been elected to the professorship of Botany; by convocation also, Mr. Keble was elected to the chair of Poetry, and Mr. H. Wilson, a European name for oriental literature, to the Boden professorship of Sanscrit. Other professors have been elected by boards of trustees; and when I mention that they have chosen two such men as Dr. Hampden and Mr. Sewell, it is evident they have taken, however they may differ, two of the most eminent men of their day in the university. At all events, it is clear that the charge against the University of Oxford, of passing over its eminent men in the choice of professors, is refuted by the very names which I have enumerated. However admirable may be those whom the Crown has appointed to the great professorships, I cannot but rejoice that there are modes of obtaining chairs in the University of Oxford, distinct from the favour of the Minister of the day; and I am more than content, therefore, to let the elections flow, as they do now, from three distinct sources.

With regard to the election of fellows also, I am prepared to defend the maintenance of the restrictions which the founders severally imposed on such election. None of these restrictions are immoral, or necessarily injurious to the well-being of the several colleges, or of the university itself. All have been sustained, not only by long practice, but by decisions of law. Many are limited by no unreasonable feeling to the natives of the founder's diocese; some, by a natural sentiment, to the natives of his own county, or district, perhaps to his kinsmen, either *cæteris paribus*, or absolutely, if they exhibit competent acquirements. This is so natural that, in the very last benefaction tendered to Oxford, but not yet accepted by any college, a preference is thus given to the founder's relations. I may add also, that while each college has its own peculiar visitor, it is by a strange coincidence that all the visitors of colleges in Oxford are, I think, with one exception, Cambridge men, or rather, are not Oxford men. They cannot, therefore, be suspected of a bias, which might otherwise exist. The Bishop of Winchester is the visitor of five of our colleges; the Bishop of Lincoln, of three; the Archbishop of Canterbury, of two; the Archbishop of York, of one; the Crown, of three; the Duke of Wellington, as our Chancellor, of six. Of the noble Duke I take this opportunity of saying, that, in his great career, he had never done anything which became him better than in owning himself to be wrong on a recent occasion connected with Pembroke College, and in withdrawing a judgment which he had given as visitor.

I now come to a subject on which the hon. Member for North Lancashire has dwelt at some length; and the importance of which fully justifies the attention which the House has already given to it. I refer to the expenses of young men at the universities. Some Members may, perhaps, have read a statement in a pamphlet, by "An anxious Father," who says that he has seen the college bills of fifteen young men; and that the average excess of their expenditure above their income is 850*l.* The particular facts I do not, of course, deny. I know nothing of the names of the parties, of their colleges, or even of the period at which they had passed through the University; but I hold in my hand statements which are quite conclusive as to the fact that such expenditure is not only not necessary, but utterly improbable in the vast majority of cases in the University of Oxford. I assume the same of Cambridge also. The first case which I will mention is that of a young man in one of the most distinguished of our colleges, who, having a county scholarship of 60*l.* per annum, and another exhibition of 40*l.* per annum, and no more, went to his degree without debt. I also hold in my hand the accounts of three young men, which have been furnished to me by those who supplied the costs of their education respectively, in the last year, 1849: this was the annual expense of each; I have their names, but, of course, do not give them: No. 1. 85*l.* 4*s.* 4*d.*; 2. 92*l.*; 3. 91*l.* 6*s.* 5*d.* I have the accounts of a fourth educated at Oxford, and who has now taken his degree; and the aggregate expense of whose Oxford life, from his entrance to his degree, was 330*l.* 4*s.* 5*d.*, for his whole collegiate course. I have, likewise, the accounts of the aggregate expense of five Cambridge men, furnished to me by the same source; and from my personal knowledge of that source I can pledge myself to the accuracy of that which proceeds from it. No. 1. 355*l.* 10*s.* 6*d.*; 2. 333*l.* 7*s.*; 3. 334*l.* 1*s.* 5*d.*; 4. 464*l.* 8*s.* 9*d.*; 5. 398*l.* 8*s.* 7*d.* I may add that the last in this list is a very estimable clergyman, whom I have the pleasure of knowing individually. The friend who conveyed these last statements to me, himself an invaluable clergyman, told me that his own expenses, from his entrance to his first degree, amounted only to 233*l.* 11*s.* 4*d.* All this satisfies me, that my noble Friend Lord Harrowby, when, as Lord Sandon, he placed his name first to a certain statement, I think in 1844, complaining of "the scale of expenditure at present prevailing among the junior members of the University of Oxford," and my other Friends who followed his signature, confounded the actual expenses of some foolish and prodigal young men with the necessary expenses of an University education. The real fault is in the parents, who either in the first instance supply the extravagance, or subsequently recognise and allow it by discharging the debts so incurred. I deny the fact, that any such outlay as that of which the "anxious father" complains, is required in any college by any well-regulated man; and I further deny, even if the fact were so, that a Royal Commission, or even a resolution of this House, or, to speak more seriously, an Act of Parliament, or any sumptuary law, could ever prevent it. The heir of a rich man will always command riches, or the objects for which he may desire riches. The fault is in his parents, or in the education with which they have sent him to Oxford. The fault is of course, indeed, not unshared by the young man himself; but the local authorities can do little to restrain it. I have recently had the opportunity of seeing, separately, with the heads of two distinguished colleges in Oxford, the accounts of the college-kitchen; and one of them made this remark:—"Eating and reading are in the inverse proportion to each other. I never find a young man exceeding in his weekly charges at the college kitchen, without telling his tutor to watch him."

The accusation against us, that we do not make education in the Universities "accessible to the middle classes," is, then, utterly groundless: the maximum, which even the writer of the pink pamphlet would permit, namely, 70*l.* or 80*l.* per annum, has not been exceeded in one of the cases which I have quoted, and is only slightly exceeded in others: the average of the annual battels at Pembroke College, Oxford, is 81*l.*; and if you add 19*l.* for medicine and clothes, you raise the aggregate expense to no more than 100*l.* per annum. But, even under the existing system, the distinguished head of one of the most eminent colleges in Oxford told me that his own expenses, when a young man, were no more than 130*l.* per annum; and I hold in my hand a letter from one of the most eminent of living men, whom I will not further particularise, lest I should identify him; the statements in which are sufficiently interesting to justify me in asking the attention of the House to his very words. I will only add, that every one who knows him (and there are many such here) will believe the literal accuracy of the case:—

> "When I was at college, we were in the midst of the war, and at that time, as you know, money was far less effective than now—that is, whatever one bought was at a much higher nominal price. The mere college charges were, I think, the same as at present. My expenditure for every thing, including not merely tuition, rooms, commons, and other college expenses, but with them every kind of personal expenditure, such as dress, journeys, and the like, was exactly 140*l.* per annum. I was a strict but not a severe economist; for I had even then a great pleasure in riding, and often hired horses: and, as my acquaintance were generally rich young men, I occasionally imitated them, by giving entertainments; yet I left college without a shilling of debt, as well as I can now remember. At present, I think the expenses are higher, chiefly because the competition is greater, and the outlay for private tutors far more considerable. I think that, under this head, ——, who is now at ——, spends upwards of 60*l.* every year."

My Friend reminded me that a year in the University does not consist of fifty-two weeks; sometimes not half; but the young man is generally at home for the remaining period; and, above all, the accounts which I have already given include the dress and the journeys for the whole year; as well as all the expenses, both of the college and of the University, for the entire period.

Before leaving this subject, I wish the House to recollect two circumstances: first, that every instance of profligate expenditure in a young man at the University is brought forward in every newspaper—as he passes through the Insolvent Debtors'

Court, or stands the brunt of an action; while there are hundreds who pass to their degrees prudently, honourably, and noiselessly, without charge or debt;—in a number of young men, varying from 1,600 to 2,000, there may well be expected to be the exceptions which we find; the second circumstance is, that the same extravagance is not impossible, I say no more, in the case of the young guardsman; but as in that case there is no opportunity of attacking any one except himself, we hear little of his bills with a jeweller, or a tobacconist, or a tailor.

But the hon. Member says, and his deputy has said it bitterly before him, that "the colleges were meant for the poor;" and that, after all, our present system, though I may have proved that it is not necessarily so expensive as has been sometimes alleged, is still too expensive for the poor. On what authority is it said, that the existing colleges were at any time intended for paupers? Some thirty years ago, Lord Brougham, a name always to be identified with the great cause of education—though now assailed on every side—certainly made a memorable mistake on this subject. He talked of colleges intended for *pauperes et indigentes:* he omitted the word which was essential to the meaning; those who were to be admitted were not *pauperes et indigentes* in the sense of English paupers, but they were to be scholars also — *pauperes et indigentes scholares* — a qualification which implied the previous possession of the means of education. If there could be any doubt on this subject, it would be removed by the fact, that when William of Wykeham founded his two magnificent colleges, he provided for his own kinsmen, indeed, immediate admission to their benefits; but in respect to others who were to be elected to New College they were not to receive for two years any of the pecuniary benefits of his endowment; they were, in other words, to maintain themselves, and therefore were not to be, in any eleemosynary sense, "the poor" whom the pink pamphlet patronises. There remains behind, however, a most important consideration. If the poor as such, if, in other words, paupers are to be admitted to our colleges, or if, making every allowance for the habitual exaggeration of the anonymous writer, a class of men be to be admitted who have not had, and could not have, the advantages which those ordinarily sent to college under the present system now enjoy, one of two consequences must follow: either you must lower the standard of the University examinations, or you must repel from a degree a young man whom you have invited *impar congresssus,* utterly unfit to contend with those who have had greater advantages. Even now, with improved education in every school—with increased advantages of private tutors in the Universities, the difficulties of acquiring, not honours, but degrees, are annually increasing. Do you mean to mock these new associates by "plucking" them? or do you mean to lower the general standard of education, so that they may pass?

The State has given to the Universities the monopoly of the higher class of education. I do not use the word in any invidious sense; but, practically, the higher professions are continuously supplied by the Universities. How do the Universities repay this boon on the part of the State? how do they discharge the confidence with which they are entrusted in reference especially to the Church? Considering that the Universities have always been the great, if not the exclusive, nurseries of the Church, they do the State great service by passing, as through a sieve, those who are intended for the Church. A degree is all but essential to a candidate for holy orders; a degree cannot be obtained by an idle man; an idle man is almost a convertible term for a reckless or vicious man; and, therefore, the Universities discharge a most important function by requiring such proof of general steadiness, of moral conduct, as habits of study imply. I do not mean, of course, that there are not far too many examples to the contrary; but the principle has, I am sure, worked well; and—out of the 16,000, or at all events 13,500, men educated in the English Universities for the ministry of the Church, though painful cases will always occur—has prevented any very frequent exceptions to the general efficacy of the rule. I should, therefore, deeply regret any alteration which lowered the standared of education in the Universities, and thereby facilitated the admission into holy orders of those who had given less evidence than at present of their steady prosecution of their preparatory studies. But the Universities are not only the nurseries of the Church in respect to her ministers, but they have supplied, with scarcely an exception, all the great statesmen of the last century; and all these were from their youth connected with the Church of England, And this is the real secret of the hon. Gentleman's Motion.

His object is, not the reform of the Universities, but the admission of Dissenters to them. He feels the value of an education connected, as that in Oxford has been for three centuries, with the Establishment; and he feels that the men who are thus sent forth, have given their pledges to the Church. He desires to deprive the Church of this strength. With the exception of my noble Friend now at the head of Her Majesty's Councils, every Prime Minister of England for more than a hundred years has been brought up at one of our Universities. Among the Prime Ministers educated at Oxford have been the great Lord Chatham, Lord North, Lord Sidmouth, Mr. Fox, Lord Grenville, and my right hon. Friend Sir Robert Peel, who is not now in the House. In his absence, I may add, that he was the first individual who ever gained a double first class in the examination. My right hon. Friend and Colleague, Mr. W. E. Gladstone, gained a similar honour; so did my right hon. Friends opposite, the First Lord of the Admiralty (Sir Francis Baring), and the Chancellor of the Exchequer (Sir Charles Wood). I might quote similar honours in the University of Cambridge, whose list of Prime Ministers contains, as all men know, the name of William Pitt.

Such are the results of the education of the English universities. I shall unfeignedly deplore as a fatal measure the adoption by Her Majesty's Government of the attack now meditated upon them. My noble Friend, whom I regret to be unable to claim as a member of either university —*talus cum sis*—must still know so well both the importance of the universities, and their easy exposure to injury, that I persuade myself that he will not sanction the present or any similar measure, uncalled for by the country, and, above all, rendered more than ever needless by the evolution of reforms through the intrinsic will and energy of each university. This is not the first occasion on which the hon. Member for North Lancashire has led an attack against us. I trust that he will fail as entirely now as heretofore. In 1845, the hon. Gentleman presented a petition to this House, praying for reform of the Universities of Oxford and Cambridge, and purporting to come from certain gentlemen "resident." [Mr. HEYWOOD: Resident in London: it was a mistake.] I hold the petition in my hand, and will at once submit it to the hon. Member himself; but, as printed by the House, he will see at once that it conveys the effect of coming from members of the two universities resident therein; whereas my own knowledge of the names enables me to recognise many of them as habitual dwellers in London; but as the hon. Gentleman says that the heading is a mistake, I will pursue the subject no further than to say, that such a mistake deprives the petition of all the value which it might derive from its being the expression of the judgment and of the wishes of those who, being themselves resident in Oxford or in Cambridge, carry on the educational system of those universities.

I again call upon my noble Friend to pause before he commits himself to such a Motion as that of the hon. Member. Again I tell him that the universities of England are unlike any other institutions bearing a similar name in the world. Their colleges owe their origin not to Kings or Parliaments; but, with one exception in either university, to the piety and benevolence, and enlarged and far-seeing liberality of private individuals. They are the distinctive and characteristic glories and lights of England; they are to be dealt with reverently, recollecting alike what we owe to them for the past, and considering what they are fitted to supply to us for the future. The manner, it is true, of the hon. Member for North Lancashire is in this House as courteous as can be desired; but nothing can be more uncourteous, or more exaggerated, than the reports which he has been the means of circulating elsewhere.

Two points only remain to be noticed: one relating to an eminent man, to whom I am much indebted, and whom I have the honour to call my friend, the Dean of Christ Church, Dr. Gaisford; the other in some degree relating to myself. The Dean has been accused of reading no lectures as Regius Professor of Greek. He admits the charge such as it is: he accepted the office, with its salary of 40*l*., on the terms on which his predecessors, for at least 100 years, have held it: no Regius Professor of Greek has read any such lectures for more than a century. Lectures in Greek were very important in the revival of classical learning; but in the multiplication of books, and in the facilities of private study, that which might have been desirable three centuries ago, would now be a comparative waste of time. But has Dr. Gaisford done nothing for Greek literature? Has he not well earned the honour of his appointment?

Is there a name superior to his name in Europe for extent and depth and variety of classical attainments? and do not his editions of Greek authors supply, not to Christ Church only, not to Oxford only, but to the whole world of letters, greater advantages than could be derived from any *viva voce* exposition on any points in the language?

The other matter I should not mention, if it concerned myself only. A right hon. Gentleman, not now present, is represented to have said on a former occasion something so inaccurate about me, that I may be pardoned for wishing the correction to appear where the inaccuracy has already appeared. I am not violating, Mr. Speaker, any rule in referring to a former debate. The matter is in an old volume of *Debates;* and my defence, even if the matter were in the newest volume, is that I am not referring to what was said in any debate, but to what was not said, and could not have been said, at any time in this House in my presence. The right hon. Gentleman was doing me the honour of answering me; and he said, that I was, as he understood, an excellent canvasser; that no one knew my opinions (I had hoped that, at all events, my opinions were sufficiently known); that, as I went round the different colleges to solicit votes, I was a Calvinist with the Calvinists, and an Arminian with the Arminians. The truth is, that the right hon. Gentleman, in correcting or improving his speech for *Debates*, was captivated by the contrast between Calvinists and Arminians, and by the possibility of connecting me with both; and could not resist the temptation as he was writing or rewriting his speech. I did not see it for years afterwards. By accident I opened the page of *Debates*, and my cheeks glowed as I read on: not one word of the passage was uttered in this House. My ears would have tingled, indeed, if I had heard it. What is the fact? No one who aspires to represent the University of Oxford is ever permitted to canvass at all; he is not even permitted to be present; he is not even permitted to be a candidate; his friends, indeed, propose him, but he takes no personal part in the matter. If the question concerned myself only, I would not add another word; but it concerns the University also: and the House ought to know, and perhaps other constituencies might profit by the example, how elections are conducted in the University of Oxford. I have now sat during eight Parliaments for the University. When I was originally elected—after a struggle not of persons but of principles—not of persons, for the kindness which for twenty years before I had experienced from my right hon. Friend (Sir R. Peel) did not forsake me then—(and differing, as we have done frequently since, has never yet forsaken me)—I say, when I was then elected, the messenger who was sent to announce the result to me was not allowed to receive the most ordinary hospitality in my house; I not only was not allowed to pay the expenses of his journey, but not even to give him meat and drink after it. On another occasion my election was not even announced to me.

I thank the House most gratefully for their long and indulgent attention, and sit down with the most determined resolution to oppose the Motion for an Address to the Queen.

Mr. C. S. FORTESCUE was a member of Oxford University, and had its interest as much at heart as any other Gentleman in that House, but he should nevertheless support the Motion of the hon. Member for North Lancashire, for he believed that that Motion was not conceived in a hostile spirit to the universities, nor did he think that it need be supported in any such spirit. It was not necessary, in order to the justification of the vote he was about to give, that he should enter into a detail of cases of abuse or corruption. He did not believe that the inquiry which it was the object of the present Motion to occasion, would have the effect of degrading the two great educational institutions of this country from the exalted position which they now occupied, nor that it would cause the funds now devoted to their maintenance to be diverted into other channels. If he could believe this Motion would have any such effect, he would be the last man in that House to support it. He believed that such an inquiry as that proposed to be instituted, would disclose very little of which individuals need be ashamed. It would only exhibit some of the ordinary indolence and selfishness of persons in possession—some effects of long habit, and some terror and alarm of change. It could not be questioned that in bygone and now remote ages the Crown had too frequently and too violently interfered in the management of the universities, for it was on record that that interference had in some instances extended to the course of studies, and even to the selection of the precise books that were to be read. It would have to be acknowledged, however, that no reasonable fault could be found with the occasional interference of the State or the Crown, when had recourse to in order to make the universities conform to the spirit and requirements of the times. There had been but little interference on the part of the State or the Crown since the end of the seventeenth century; and from the evil effects of that *laissez-faire* system both universities were now suffering. During the whole of the eighteenth century both institutions remained in a torpid and languid state; but there could be no question that since the commencement of the nineteenth century a spirit of improvement had progressively manifested itself, both with respect to internal reforms and the extension of the courses of study. Still, however, there were retained on the statute-books of the colleges many obsolete institutions which were of no possible service, but which, on the contrary, were exceedingly injurious. No doubt there was to be seen in the constitution and administration of our universities much to admire and much to commend; but, nevertheless, there was also much to deplore and much to lament. The universities, although they effected much good, did nothing compared to what they might do under a freer and better system. There were many of the college statutes which, being totally unfitted for the age we lived in, were not, and could not, be observed in their original intention, and yet served to fetter the operations of the University; such statutes called loudly for revision. Under the present system there was a body of no less than 550 fellows, who shared amongst them 116,000*l.* a year in Oxford. And of them the majority did not necessarily owe their fellowships to superior learning. They were elected from the accident of having been born in a certain parish or diocese county, or of bearing a certain family name. It was time that some change should be effected in this system, and they had seen enough to prove that no corporation could effect any great reform in itself, without the aid of public opinion brought to bear on it through the agency of that House. Some would support the present Motion with an eye to the religious exclusions of the universities, and that was an evil, to which he confessed he was not insensible. Some would maintain that it was neither rational nor politic that boys of nineteen should be compelled to sign the Thirty-nine Articles, and to subscribe to a long and elaborate system of theology which they could not understand. Some would protest that there was injustice in the idea that great institutions, founded for the good of all, should only be opened to a particular class, and would argue that it was an outrage on common sense that persons should be excluded whose religious doctrines could not differ more widely from the doctrines of the men who had founded the universities than did those of the very persons who were permitted to enjoy their privileges. It could not be questioned that much remained to be done with respect to the nature of the subjects to be learned, and the extent of the education to be given. An exaggerated prominence was still given to the ancient languages, and Sidney Smith's remark that there "was too much Latin and Greek" was still applicable. The conviction of the necessity of reform was every day becoming stronger and more general; but the universities were shackled by ancient statutes and foundations, which rendered it impossible for them to carry out the necessary improvements without the intervention of that House. Many of the so-called professors received an emolument so ludicrously small that it was not to be expected that they should perform any valuable academic duty for it, nor did they. The present constitution of the colleges too often limited the choice of tutors to a particular diocese, county, or parish; and surely it could not be contended that that was a system which was calculated to secure the appointment of the very best teachers that could be procured. But the fact was, that the whole system was a perversion of the intentions of the original founders. These foundations were instituted to enable poor clerks to educate themselves, but it never could have been the intention that these men so selected should themselves become the teachers of the University. If a commission were appointed—such a one as the first Ecclesiastical Commission—an expedient would probably be devised for remedying these and all other abuses. Between the theoretic and actual conditions of the universities there was a great and most anomalous difference. Statutes were sworn to be obeyed which could not be obeyed, and professors pretended to teach all branches of human knowledge, which they did not teach. He was happy to say that in Oxford, at all events, there was a spirit of reform, fresh, young, and vigorous; but in the present state of the statutes and foundations, that spirit was so shackled that it could accomplish but little good without the assistance of the State. Without binding himself to agree with the string of abuses which the hon. Member had placed at the head of his Motion, he would, nevertheless, say that he cordially approved of the spirit of the resolution; and believing that it would be of eminent service to the universities themselves, he would not hesitate to give it his cordial support.

Mr. W. FAGAN said, the hon. Baronet the Member for the University of Oxford, in the course of his address, stated, that in his opinion Roman Catholics in this country had no right whatever to receive education at the universities of this country. Now, he might remind the hon. Baronet that the university that he himself represented was a university, every one of the colleges of which, or nearly all the colleges of which, had been founded by Roman Catholics. And let him further remind the hon. Baronet, that if the conditions attached to the foundations of some of these colleges were carried out, he could almost venture to say that at the present moment none but Roman Catholics ought to be educated there. But he felt that he was not the individual to treat on the universities of this country. He would leave them, and go to one of which he was in some degree competent to speak. He should confine his observations to the subject of Trinity College, Dublin, planted in the midst of a population, seven-eighths of which professed the Roman Catholic persuasion, placed there with an income of some 70,000*l*. or 80,000*l*. a year, with the rents of 230,000 acres of land at their disposal, and placed there, to use the words of the Lord Lieutenant of the day, at the period when the charter of Elizabeth was granted, for the purpose of giving a liberal education to the people of the country. Well, in the anomalous condition in which that university was, he defied any man in that House to say that it had afforded anything like adequate education to the people of that country. It was quite true that since 1793, or rather since 1794, the Roman Catholics had been admitted into that university, and could take degrees there; but at the same time they were nearly altogether excluded from the honours and emoluments of that great establishment. It was calculated that no more than one seventy-fifth of the honours and emoluments of that institution were within the reach of the Roman Catholics; and the natural consequence was, that the Roman Catholics did not go in any numbers to that university. The number of Roman Catholic students there in a Roman Catholic country, did not amount to more than thirty in each year. They could not gain a fellowship or a scholarship. He could understand why they could not gain a fellowship. It was because all the fellowships but two were intended for those who intended to enter the Church; but why they should be precluded from scholarships he could not understand. And what was the consequence? He was ashamed to acknowledge it; but he understood it was the constant practice for Roman Catholics to conform for five years for the purpose of obtaining these scholarships. Now, he contended that there was nothing in the original charter of Elizabeth, and that there was nothing in the more exclusive charter of Charles I. to prevent Roman Catholics from obtaining these scholarships. When the King's letter was issued in 1793, opening the college, the college authorities passed a by-law that no one should have a scholarship who did not take the sacrament of the Lord's Supper. And now it was stated as a reason for all this, that Trinity College was exclusively intended to educate youth who were to take orders in the Established Church. He knew that that was the original intention, but from the moment that they admitted Roman Catholics into the institution that argument fell to the ground. Now, he had no objection that there should be an exclusive college for young men who intended to take orders in the Established Church, because there was a similar institution for young men entering the Catholic Church; but at the same time he was opposed to the enormous emoluments arising to Trinity College. Let there be other colleges instituted. It was the intention of Queen Elizabeth that Trinity College should be but the commencement of other colleges. He knew it would be alleged that the Roman Catholics had no great cause of complaint, in consequence of the institution by the Government of the provincial colleges in Ireland. He was one of the first who advocated those colleges, and he still adhered to that principle, because he believed that those colleges would eventually be of great value; but at the same time, while he admitted all this, he thought that was only an additional reason why there should be a reform in Trinity College. In reference to the land held by Trinity College, Dublin, he was aware it was a complicated question; but he might be allowed to say that it appeared to him monstrous that 230,000 acres of the finest land in Ireland should yield a rental of only 35,000*l.* a year, and that the greater part of that sum should be appropriated to the senior fellows. But that was a subject he would rather not trouble the House upon. He only hoped that the House would reform these great universities, which were capable of being made extremely useful, and that the intentions of their founders should be carried out.

MR. NAPIER said, he really was not surprised, when he heard the mass of misstatements that were put forward in that House, as to the institutions of Ireland, especially as to the Church and the University, at the opinions many persons entertained with regard to those institutions. He believed the best answer that could be given to many of the arguments urged by Gentlemen on the other side of the House was simply to state the true facts. Let him, in the first place, state that the land revenues of Trinity College were less than the sum that was annually voted to Maynooth College. And the revenues of Trinity College arose partly from private endowments, because they were composed as well of grants made by private individuals from time to time, as from the bounty of Sovereigns. And then the Roman Catholics retained the exclusive use of their own college for training ecclesiastics in their own religion, while their laity made use of Trinity College, and now they (the Protestants) were accused of illiberality, and they were called upon to address Her Majesty to ask Her to make a great and fundamental change in the constitution of Trinity College. He would say that the peculiarity of Trinity College in allowing Roman Catholics to participate in the education given there, was of great advantage. It was not true that they could not participate in the honours and emoluments. They participated in every honour and emolument, save those connected with the foundation—namely, the fellowships and scholarships, and one professorship, which the will of the founder, Erasmus Smith, required should be given to a Protestant, and a medical professorship, which, by an Act of Parliament, was also so confined. But all the other honours and emoluments were as open to a Roman Catholic as they would be to himself. Then this was not an institution which was created and founded in a period before the Reformation; in which case the Roman Catholics would say they were the persons that founded it, and it had been transferred to the Protestants. But Trinity College was founded by Elizabeth. True it was there were some efforts to found universities before the period of Elizabeth; and it had been suggested in that House on a former occasion by some Gentlemen more learned in history than himself, that Elizabeth, by way of compensating for the loss of these universities, established Trinity College. But Trinity College was founded to maintain the Protestant religion in Ireland. Whether that was right or wrong, was another matter. It continued to admit only Protestants till the year 1793, in which year an Act of Parliament was passed for the purpose of enabling Roman Catholics to enter the university and take degrees, and that Act of Parliament carefully provided that they should not be members of the corporation. Now, as he said before, so far it had worked well. He thought it a great advantage with regard to the Protestant religion to have the clergy and laity educated together. He thought an exclusive system—a system by which the ecclesiastics were shut up from intercourse with their lay brethren—was an evil. He thought it was an advantage that Roman Catholics seeking education, should be admitted along with their Protestant fellow subjects. He had been educated with some Roman Catholics at the university; he had been afterwards on terms of the happiest intercourse with them; and he thought that such a system was calculated to soften some of the asperities that would otherwise embitter society. Several of these Roman Catholics had taken honours there, and distinguished themselves, and he was sure he did not grudge them any fair reward for their talent and industry. But the university being founded to maintain the Protestant religion, and having found that it could be liberal without detriment to its own proper purposes, and admit Roman Catholics to the general advantages of that university, while it could not let them into all without committing suicide—if that were the case, how was it to be brought forward as a grievance? And by the way, he thought that formed an effective argument to the English universities, who could say, "The Dublin University allowed Roman Catholics and Presbyterians, and Dissenters, to be educated in their college, and though you allowed them to be educated in that way, they pressed in upon the very foundations. You have your reward." He was sorry to see such an argument put into the mouths of his friends on this side of the water. Of a land revenue of something under 30,000*l.* a year, very nearly 4,000*l.* was open as emoluments to the Roman Catholics. The hon. Member for North Lancashire sought to appropriate the scholarships also; but by whom were those scholarships founded? Not by Elizabeth, but by Charles the First. Perhaps the best answer which could be given as to the nature of those scholarships was to be found in the statement of the late Mr. O'Connell, who, when examined before a Parliamentary Committee in 1825, and asked if it would not very much tend to conciliate the Roman Catholics by throwing open these scholarships to both religions, said, "that as Trinity College was constituted it was intended for the education of the Protestant clergy, and he did not think it would be a wise thing to give the scholarships to Catholic young men. He said his notion was, that it was the intention to leave these scholarships to young men who were intended for the Protestant Church, who had distinguished themseves, to give them the means of supporting themselves till they obtained a degree; and he considered that no other parties ought to interfere with them." Allusion had been made to the small number of Roman Catholics who availed themselves of the advantages of Trinity College. If any class availed themselves of these advantages, it would be the middle class; and, looking at the proportion which Roman Catholics bore to Protestants in respect of property, he found it almost exactly to correspond with the proportion at the University, which was about one-tenth of the whole number. It happened that some of the Gentlemen opposite who were his fellow-countrymen came over for their education to this country—to Oxford; and thus a college, which was charged with bigotry, was preferred to one which admitted Roman Catholics. Another mis-statement was this—that a by-law was passed after the Act of 1793, to compel young men to take the sacrament as a condition of obtaining scholarship. Something of that kind had been stated in a book, published, as he understood, at the charge of the hon. Member who introduced this Motion, which contained as large a number of untruths as any book he had ever met with. What took place was this: the Board stated that they were in the habit of inquiring whether the candidates for scholarships received the sacrament on Trinity Sunday; and if they found that any had not done so, further inquiry was made as to their religious principles, and this had led to the discovery on a recent occasion that one was a Roman Catholic. It was said there had been many instances of Roman Catholics remaining five years in the college repudiating their religion for that time, and afterwards taking it up again. He had never heard of many such cases; but if they were true, what did it amount to? That when a Protestant university opened its doors and freely admitted others to come in and partake of its advantages, those advantages were such as to tempt them to forsake their faith. Either the Roman Catholics must complain that they were shut out, or that this temptation was thrown before them. But the great organ of the Roman Catholics of this country said that they only regarded the scholarships as a step—they had always considered the monopoly of the colleges as a gross injustice; they wanted a breaking up and a recasting of the constitution of the university altogether; and they would never consent to any system which did not provide Roman Catholic students with Roman Catholic instruction as well as Roman Catholic worship and supervision. What kind of place would they make of Trinity College? Would they build a Roman Catholic chapel within its precincts? How could such a system be carried out? According to this argument it was impossible to have an institution founded on a Protestant basis, for the purpose of maintaining the Protestant religion, and having the clergy and laity educated together, and allowing the Roman Catholic laity to share the same advantage. He had been told by one of the students in Trinity College, that the system of admitting Roman Catholics at present, worked very well, and all was harmony, but that if they were let in upon the foundations, they would be regarded as an aggressive body, and jealousies would spring up. If the Roman Catholics would go the whole length, and not be content without getting on the foundations, he would go the whole length of exclusion rather than uproot the system. On the other hand, he should be sorry to disturb an arrangement which had hitherto worked so well. The Roman Catholic students admitted that no attempt whatever was made to interfere with their religious tenets. Then, with regard to the academical course, he saw no cause for complaint on the score of adherence to antiquated usages. The subject for the graduates' prize for the summer commencement 1849 was this:—"That the perfection of political wisdom does not consist in a preference for abuses sanctioned by time, without any regard to the progress of public opinion, but in the gradual and prudent accommodation of established institutions to the varying opinions, manners, and circumstances of mankind," founded on the sentence of Tacitus, *Morosa morum retentio res turbulenta est æquè ac novitas.* The subject for the year before—namely, 1848, was—"The influence of education, secular and religious, in repressing crime," a good subject for graduâtes of a university. At the summer commencement 1848 the subject was, "The influence of free trade in promoting the peaceful relations of States," not a bad subject either. Subjects like these offered opportunities to young men to give their sentiments, not in speeches set off by a little flippant fluency, but in good sober composition, which would tend to secure clear sound opinions in after life. And, by the charter given to Trinity College, Dublin, in 1637, the provost and senior fellows were empowered to make all changes and regulations which might not be already provided for by the statutes, provided they were approved by the visitors; and the provost and senior fellows were empowered from time to time to modify the education of the students. What was the result? In 1833 a considerable change was introduced, embracing all the improvements up to that time, and in this present year a further alteration had taken place; and he would venture to assert that a more complete, sound, and liberal educational curriculum could not be presented in any university in the world. Every branch of useful knowledge was taught. The subjects of the last year of the course were divided into five sections, two of which must be followed out by every student, and of the remaining three the professional students were at liberty to select one. No branch of learning was neglected. Something had been said about modern languages. In Dublin University they had examinations and professors in German, Spanish, Italian, and French; and they had honours for them all. A very important school had been recently established, that of civil engineering; about seventy students attended it, which they could do for about 10*l.* over the expense of keeping their names on the books, and thus obtain a most perfect education in a course of civil engineering. There were professors who gave lectures in these different departments; and there was not a single branch of useful knowledge which was not duly cultivated. He challenged the hon. Member for North Lancashire, or any other hon. Member, to point out a single blot or defect in the course, to show that there was a single matter of sound and useful science or of modern learning which was not provided for in the most ample manner in the University of Dublin. The light of knowledge and of religion was brought to bear upon the whole plan of education. The hon. Member for North Lancashire had described the board of senior fellows as old superannuated clergymen; one of them had been his (Mr. Napier's) class-fellow—others in the full vigour of matured manhood; and the oldest was a man of vigorous mind, and who was engaged in prosecuting the deepest researches. The Roman Catholics had an opportunity of getting the best education on the same terms as any Protestant had; but the emoluments were the sore point. The common income of the senior fellows was 1,300*l.* a year; of the junior fellows, whose previous exertions to obtain a fellowship were such as often to require them to peril the whole success of their lives on the attempt, and then they might be disappointed, the utmost income was 600*l.* or 700*l.* a year. Surely these were not exorbitant sums—the former attained only at the end of a long life of toil; and no class of men ought to be more honoured and respected than those who devoted themselves to the purposes of education. But the hon. Member wanted to get the tutors married. He ought to know that marriage was not interdicted in Dublin University. Lord Coke had somewhere said that there was a synod in the time of St. Patrick which allowed the Irish priests to take wives. As to the library, no doubt the undergraduates had not the use of it—and this was not an unwise regulation; but strangers who were recommended, were admitted with the greatest facility. The only other question was with regard to the landed property. There was no doubt that the college lands were let very considerably under their real value. The consequence was, they were sub-let, and there was all that minute subdivision of land, and multiplication of the people, and that squatting, which had been going on so long. But how could this evil be cured by any commission? The facts connected with the university were all known; the college had never refused any information. There were many other properties similarly circumstanced; and it was notorious that in Ireland the property in the very worst condition was that held at low rents, or by leases for lives renewable for ever. The real question in the case was the intention of the founder. If the property had been applied in accordance with that intention, if the advantages had been liberally shared, and if the education afforded was in the spirit of the present time, no necessity whatever had been shown for interfering in any way, especially by a Royal Commission. Her Majesty had visited Ireland not long ago. She had seen the university, and answered with peculiar grace the address presented to her. She had alluded to its long list of honoured names, had expressed Her intention to protect its rights, and suggested the importance of its going on in the liberal and enlightened course which it had hitherto pursued. They should be happy to see Her Majesty again amongst them, in the same spirit, rather than to be subjected to the intrusion of a Commission unconstitutional and unnecessary.

Mr. SADLEIR said, he had been disappointed by the speech of the hon. and learned Gentleman who had just sat down. He had recently perused a remarkable address from that Gentleman, in which he very pompously declared that Christianity was his creed, and his country was his party. He had hoped from that declaration the hon. and learned Gentleman had recanted the opinions for which he had been before somewhat notorious, and that he had forgotten the political tendencies which marked him out as the secretary of a Brunswick Club, created, in 1829, to oppose the will of both Houses of Parliament, and to resist the inclinations and predilections of the Sovereign. He at one time thought that the hon. and learned Gentleman was about to demonstrate that Trinity College was a seat of great liberality, and open to every class of the Irish public; and that he had become at least as liberal as Claudius Beresford, a kinsman of the hon. Member for North Essex, who in 1794 brought forward a proposition that Trinity College should be thrown open to the Roman Catholics of Ireland; but at the close of the hon. and learned Gentleman's address, he disappointed his (Mr. Sadleir's) expectations. The hon. and learned Gentleman said, that everything in the University of Dublin was open to Roman Catholics, except fellowships and scholarships. Why, what remained? What were the advantages of the university after deducting the fellowships and scholarships? What were the inducements held out to Irish Roman Catholics to undergo there two years, at least, of mental anxiety, and of the most unexampled labour? What distinctions could they attain? Were there any to be compared with the enjoyments of a fellowship? Certainly not. If there had been instances of Roman Catholics in Ireland labouring to obtain distinctions at the University of Dublin, but labouring in vain, such efforts redounded, not to the credit of the establishment, but to the honour of those gentlemen who had made such efforts. Then, as to the extent and management of the territories of Trinity College. It appeared they possessed no less than 230,000 acres of land in Ireland, and the House was told that their annual revenue did not exceed 29,000*l*. a year. What could be a stronger inducement for the House to desire inquiry than those circumstances? Now, it would appear that if the lands were let at a moderate rent—computed at about 10*s*. an acre, they would yield an annual revenue of 115,000*l*. The House ought also to bear in mind, notwithstanding the plausible speech of the hon. and learned Gentleman, that there was a sum of about 6,600*l*. a year, exclusive of fellowships and scholarships—from which Irish Roman Catholics were excluded altogether — and that the advantages available for both Protestants and Roman Catholics did not exceed 1,350*l*. a year. Those were facts which called for strict inquiry, and he hoped the House would not be contented with plausible speeches, or vague declarations, but that they would call for a clear rebuttal of all the facts on which he relied. With regard to the proportion of Protestants and Roman Catholics who entered Trinity College, although the hon. and learned Gentleman the Member for the University of Dublin stated that it wss open to all classes of Irishmen, irrespective of their religious opinions, it appeared upon an average, while only 30 Roman Catholics entered annually, there were 350 Protestants. The hon. and learned Gentleman laboured to induce the House to believe further, that although Roman Catholics were admitted to Trinity College, it was an exclusively Protestant establishment, to which Roman Catholics had no just claims at all, and from which they might be properly excluded. Upon that subject he would beg the attention of the House to a very short paragraph which showed the principles upon which the Dublin University was founded. In 1592 it was founded by Queen Elizabeth, and endowed out of the confiscated estates of the Earl of Desmond. The college itself was built on the site occupied previously by the Roman Catholic monastery of All Hallows. When his hon. and gallant Friend the Member for Middlesex brought forward the subject in 1845, he adverted to a letter of the lord deputy, dated in 1591, the words of which were the same as those in the charter to which the hon. and learned Gentleman had so triumphantly referred. [The hon. Member here read a quotation from the letter, to the effect that the college had been founded in order that learning, knowledge, and civility should be increased among the Irish, their children, and their children's children, especially if they were poor, and that it was to diffuse education more freely, with more ease and at less expense, than other universities.] What allusion, he would ask, was there in those general and comprehensive words to any religious sect? What right was set up in favour of an exclusive religious education by that letter, which was, he repeated, in the same words as the charter? It was clear, therefore, from the very terms of the foundation charter granted by Queen Elizabeth, that the object was to supply education, "especially to those that be poor." Were not the majority of the Irish poor of that day, as at present, Roman Catholics? There was no priority of precedence given to Protestants by the charter. What right, then, had they to claim anything of the kind? Notwithstanding the hon. and learned Gentleman's opinion, it would be found extremely difficult to show that this university was established for the benefit of the very small number of Protestants at that time in Ireland, and to the utter exclusion of the Roman Catholics. The hon. and learned Gentleman omitted to remind the House what the object of the charter was, namely, to diffuse education amongst all the inhabitants of the country. The fact of fellows having been allowed to marry was referred to; but the hon. and learned Gentleman forgot to state that from the relaxation of that wise rule the greatest abuses had sprung up. It led to a total violation of the original design. One of the results was, that fellows became located and fixed in the university, instead of being, as was the original object, scattered throughout the country. That was a gross, palpable, and indisputable abuse, which it was the peculiar province of that House as speedily as possible to inquire into and abate. There was no such abuse in any of the universities in England. Inquiry was called for, and he hoped the House would sanction that part of the Motion which proposed to deal specially with the University of Dublin. In referring to the statements made before Committees of both Houses of Parliament with reference to the management of the college estates in Ireland, he must say that nothing could be more lamentable than the extent to which wretchedness, poverty, and immorality, existed upon those properties. Men upon whose evidence the utmost reliance could be safely placed, had been examined upon those points, and the testimony of one and all of them amounted to this, that there was no system more calculated to repress industry and prevent the cultivation of the land, than that pursued with reference to the collegiate estates by the provost and fellows of the Dublin College. Those facts were deposed to by Mr. Griffiths, Mr. Collis, Sir M. Barrington, Mr. Pierce Mahony, and many other practical men well acquainted with the system and the general condition of the country. The college received nothing like the value of their lands, but no benefit accrued to the country. The system was most detrimental to the well-being of the tenantry. The land was let at a rent equal to half its value, and a fine equal to the other half was paid by the tenant. Instead of making any effort, or holding out any inducement for the cultivation and improvement of the soil, the course pursued was one which no reasonable or sane man would adopt in the management of his estate. Every offer made by an occupier was uniformly refused, the provost and fellows preferring some half-sirs or squireens who as middlemen obtained all the advantages that should belong to the occupying tenant.

One of the greatest curses and misfortunes connected with the land system in Ireland was the lamentable prevalence of the middleman system in that country. It was the most pernicious and absurd system, and no one could be found to approve of it except the provost and fellows of the Dublin University. Last year when the leases of certain portions of their estates terminated, they rejected the offers of the occupying tenants, and let the lands for a less annual rent to middlemen. The result was that the occupying tenant was in some cases obliged to pay 50 per cent more than he had previously paid, and (as we understood) 75 per cent beyond that amount which the middleman (the new lessee) had agreed to pay to the college. The House should remember that such a system as that, injured not only the cultivation of the collegiate estates, but was detrimental to the interests of every owner of land in their vicinity. To demonstrate the opinion entertained in Ireland of the system, he might refer the House to a statement lately made by the board of guardians of the Listowel union, in the county of Kerry. The college estates extended over one-eighth of the surface of the entire county, and in the Listowel union comprised one-third of its area. The guardians besought the attention of Government to the system pursued by the College of Dublin, and attributed to it principally the destitution and misery which pervaded the whole district. All the objections which were properly alleged against the management of Irish estates by the Court of Chancery, applied with tenfold force to the Trinity College system of management. They disregarded the suggestions made by the Devon Commission, and selected a class of persons for their tenants who would not descend to the position of occupying tenants, and who were incapable of discharging the duties of landlords, and could not enable the occupiers of the soil to have a fair interest in it, and perform their duties. Upon these grounds he hoped a strict inquiry would be made, and that the rights of the occupying tenants of Irish collegiate estates may be respected.

Mr. G. A. HAMILTON was unwilling that this discussion should assume the character of an Irish debate. But it was his intention to advert only to one point which had been particularly alluded to by the hon. Gentleman who had just sat down. He meant the management of the college estates. A short time ago, when the right hon. Gentleman opposite the President of the Board of Trade was Secretary for Ireland, the Board of Trinity College made a proposition to the Government to be enabled to carry out the recommendation contained in the Devon Commission; difficulties, however, presented themselves to the mind of the Lord Chancellor of England in the attainment of this object, and consequently the Bill that was then projected was abandoned. There was, however, at present a communication pending with the Lord Lieutenant of Ireland on the same subject; and he trusted that the result would be a Bill introduced into Parliament, which would obviate the objections that had been so much dwelt upon by the hon. Member for Carlow. He did not wish to occupy any further the time of the House in discussing a question which had been so ably handled by his hon. and learned Colleague.

Colonel THOMPSON was bound to thank the hon. Member for the University of Oxford for bringing up before his eyes those Dissenters of Yorkshire whose name he had introduced into this debate; because it removed some difficulty which he should have otherwise experienced in determining what vote to give on this occasion. He should have felt a difficulty in supporting the Motion if he thought he should have been judged as giving a harsh vote against the University with which it was his boast and happiness to be connected, and of which he could never speak without the most friendly sentiments. But there were flaws in that University, and one was the exclusion of Dissenters from participation in the advantages it gave to the public. He did believe that this was a point on which, without the smallest unfriendliness, he was justified in saying the Universities must in the end give way, simply because it was not just and in accordance with the events that were taking place in the world. To the Dissenters, if they would take the opinion of an old member of the University, he would say, that if they were desirous of obtaining the advantages of a collegiate education, the most likely way to advance their object would be to take measures for endowing and establishing a college of their own within the University of Cambridge. In no other way would they be so likely to get over the obstacles which would be opposed to their taking degrees. He could not allow one *dictum* of the hon. Member for the University of Oxford to pass, without at all events expressing his disagreement with it. The hon. Gentleman had said, that no right existed on the part of that House of Parliament—meaning thereby the whole Government of the country, of which that House was a component part—to interfere with the decisions or doctrines of the Church named of England. That *dictum* could not be passed over, because he (Colonel Thompson) knew that it was contrary to the opinion of a large portion of the Members on his (the Ministerial) side of the House. They believed that a compact existed between the Church of England and the State. If the Wesleyans or the Society of Friends chose to make their doctrines anything they liked, they were at liberty to do so, because they held no revenues by compact with the State. But his side of the House maintained that there was a compact with the Church of England, and that it was not from any abstract merit or desert that its revenues were given to it, but because its doctrines coincided with the opinions of the great mass of the inhabitants of this country; and if ever unhappily it should come to pass, that the doctrines of the Church of England should cease to coincide with the opinions of the majority of the people, then there would exist a right on the part of Parliament to write *Tekel, Upharsin,* on the present Church, and declare its revenues departed from it, and given to any the Legislature might appoint.

Lord J. RUSSELL: Mr. Speaker, I feel very sensibly that I am at a great disadvantage in rising to offer a few remarks to the House on the subject now before us, in having had no personal knowledge of the merits as regards those two great Universities which are mainly the subjects of this Motion. It is, however, a subject upon which it is proper, when brought before the House as it now is, some Member of the Government should state the views the Government are disposed to take, and it is with that purpose I now address the House. Let me say, in the first place, that I do not think it would be possible for me to agree to the Motion as it is now placed before the House, combining, as it does, a great number of questions, and placing them in a form which has induced my hon. Friend the Member for the University of Oxford to say that the hon. Mover had framed a bill of indictment against the Universities. In whatever way I view this subject, I should say at the outset that I can see no case made out for adopting any course that should wear the shape of a bill of indictment, or that there is any case for considering that these Universities are objects of accusation by a majority of this House. In considering the subject also, I should say that there is another portion of it which I think must be kept apart from the main object of the Motion. I do not think that that question, important as it is, of the admission of Dissenters to the Universities, should be considered together with the question of any improvement in the plan of education. Whether Dissenters should be admitted to study in the Universities, whether they should be admitted to honours, and how far any further admission should be given to them—these appear to me to be questions of principle, which, as my hon. Friend the Member for the University of Oxford says, were debated several years ago at great length in this House, when my noble Friend Lord Stanley made an able speech in favour of the admission of Dissenters to the Universities, which I think has never yet been answered. That is a question, therefore, upon which I do not think there is any need of a Commission. I think it is quite unnecessary to ask a body of gentlemen to consider a question which is really one for Parliament to decide, and one upon which the hon. and learned Gentleman the Member for the University of Dublin has informed us that the Irish Parliament decided when they avowed that Roman Catholics should be admitted to degrees. I do not, then, think that we should take into consideration the question of the admission of Dissenters to the Universities. But when I proceed to the further and more important question with respect to the education which is given in our English Universities, approaching that subject with all that care and respect which are due to the Universities, I must in the first place say that I do not think there can be any objection—and I do not think that even my hon. Friend the Member for the University of Oxford would make any objection on principle to the appointment of a Commission to consider the state of these Universities in regard to the education they give. There are numerous precedents for such a proceeding. There has been, with all due respect to the Archbishops and Bishops, a Commission of Inquiry into the state of the Church of England. There has been also a Commission to inquire into the Scotch Universities, and an inquiry has been instituted into the endowed schools for the education of the poorer classes, under Lord Brougham's Act. All these are precedents which show that there is no objection on principle to the appointment of a Commission in this case. And I think they show still further, that those who are holding positions of authority in the Universities, ought not to consider it any disparagement to them if a Commission were appointed to inquire into a subject so important to the people of Great Britain. Having stated what is my opinion upon the question regarded as a matter of principle, I will now proceed to consider whether there is any cause or ground of reason or expediency why such a Commission should be appointed now. In dealing with this subject we must consider the changes which these Universities have undergone during late years. Let me first say what I think must be agreed to by all who approve of those changes—that the education given in our Universities some twenty years, or even as lately as ten years ago, was not adequate to the education and wants of the present day. I have had stated to me in a letter from a person engaged in the task of education at Oxford the following observations. The writer of the letter says—

> "I have stated, that our studies were almost exclusively dialectical. How limited the range of reading has been of late is seen when we reflect that mathematics, though encouraged by the offer of high honours, are but little cultivated among us; that an acquaintance with the elements of natural science is rare; that law, though we give degrees in that faculty, has long been neglected; that modern history has never formed part of our system; that political economy is looked upon with fear and aversion—nay, that the knowledge of ancient history exhibited by the ablest students seldom goes beyond the contents of Herodotus and Thucydides, and the first decade of Livy, with the addition of a small portion of Tacitus. It is confessed by all that the art of writing Latin well is possessed by few, and Greek was never well written here. But what will perhaps surprise your Lordship, neither Homer, nor Cicero, nor Demosthenes, nor Plautus, nor Quintilian, nor Terence, nor the minor Greek orators, nor Lucretius, are read by any large portion of even the most diligent young men; and that it is seldom indeed that they are presented at the public examinations."

My correspondent goes on to state, however, that in the last few years these defects have been corrected—that the University was no longer open to that reproach—and that these subjects have received attention and study—that the very authors referred to in the letter from which I have quoted are now read. But in making the claims I have stated, there has been still evidently a great defect—a defect which I think must be admitted by all who candidly consider the subject. But by a decision lately made, both at Cambridge and Oxford, these important subjects of modern history, and others, have been admitted as questions for examination, and have therefore become subjects of study in the colleges. But then the question arises how to combine that which had been hitherto the distinctive characteristic of our universities, namely, the study in the colleges by tutorial instruction and instruction by lectures, from the professors who are named to teach those important sciences. Upon this subject those to whom I have spoken who were educated in those universities, and who have, or some of them, taken an important part in education, say, that there is a very considerable defect, consisting in the restrictions which are imposed by the original foundations and deeds of endowment of separate colleges. It appears to me that, unless this defect can be completely remedied, the great changes that have been introduced both at Oxford and Cambridge can never give the full proof that you ought to expect from them. What you ought to expect from the introduction of lectures in modern history, from the introduction of lectures on chemistry and political economy, is, that young men shall have, in the colleges, sufficient instruction upon these subjects to enable them to derive all the benefit of the lectures which they would hear from the professors. With regard to this subject, there are these two reasons of sufficiency—the one, that the professors cannot obtain the attendance of the young men sufficiently often, and with a sufficiency of attendance, to enable them to derive all the benefit they ought to derive from their lectures; and, in the next place, the colleges having been instituted with a view to another mode of instruction — to a mode of instruction more favourable to classical learning at Oxford, and to mathematical learning at Cambridge—you have not, in those colleges, fellows able, or inclined, from their studies, to carry the young men on in those parts of learning which the two universities, of their own accord, have declared are necessary to a good education. In speaking to a gentleman, who is at present Professor of Modern History in the University of Cambridge, I mean Sir James Stephen, and inquiring from him what lectures he was giving, he told me he was only giving lectures once a week, and that they were of an hour's, or an hour and a half, or they might be of two hours' duration. Now that instruction of itself, of one hour, or of one hour and a half in a week, and that only during term time, I cannot say would be sufficient instruction for the young men whom you expect are to be instructed upon so great and important a subject as modern history, I therefore think it is necessary to combine that education which is to be given by professors according to the system which has been adopted with the ancient collegiate manner of teaching which has prevailed in the universities of this city, and which system I, for one, should be very sorry to see destroyed, or even diminished. But then I think it should be your object, not wishing to introduce anything beyond what the Universities of Oxford and Cambridge have themselves introduced, by the steps they have taken from time to time, the last of which we heard of only within these two or three hours—not to carry them in this direction further than they are themselves disposed to go, as I think it is most important to combine that species of instruction with the collegiate instruction, which is the ancient and established mode of teaching in our universities. An obstacle to this again is, as I have stated, the manner in which, by various acts, and by the wills of the founders, in many instances, the fellows must be taken from a certain family or from a certain county, with other restrictions of the same kind. It seems to me, therefore, that it ought to be the object to combine these two educations in such a way that the fellows of the colleges should be among the men who are the best instructed, not only in classics or mathematics, but also in these various branches of study; and that they ought to direct the attention of young men, not solely or exclusively, to those branches of study in which they have hitherto taught them, but that they should be able to assist and guide them in their attention to those professorial instructions which, without their assistance and attention, would, I fear, be very much lost in their effect. I own it does not appear to me that there is any such very great difficulty in attaining this object; but at the same time it is an object which cannot be obtained by the universities themselves; for except in some very rare instances which have occurred from time to time, where, with very great pains, the colleges have been able to discover they had the power, which they might exercise, of altering and reforming their statutes, they have not the power of making the changes to which I have alluded. Now, Sir, supposing it is desirable to make these changes, is there any conclusive reason why they should not be attempted? I own it does not appear to me there is any such conclusive reason. The only reason that can be alleged is, that you ought to pay such respect to the wills of the founders, that you must not interfere with them, even for a great and important good. I think that that principle can hardly be contended for by my hon. Friend the Member for the University of Oxford, because he must allow that the change to which he alluded in his speech, in the desirableness of which I agree with him, and disagree perhaps with some other Members of this House—the change which took place at the Reformation—was a change entirely setting aside the will and intention of the founders. Though devoted to purposes akin to the intentions of the founders, the change was, at the same time, an entire diversity in the application of funds which the founders, in various instances, had directed to be applied to purposes justified and ordered by the Roman Catholic religion. My hon. Friend says, and says very plausibly, that the Church of England reformed itself upon that occasion. But we know that the State had a great deal to say to that reform of the Church, and a great deal to say to the reform of the universities; because if any one will look at the lists of heads of houses and masters of colleges, he will find that a certain master was appointed in the reign of Edward VI.; that in the time of Mary, another master was put in; and again that, in the time of Elizabeth, the former one was forcibly ejected, and a new master and a new head put in his place. My hon. Friend may claim that the Church of England reformed itself; but it was, in fact, a very strong interference of the State with all that will and determination which characterised the two sisters—Mary and Elizabeth. Then, Sir, what is there, if we have a great object in view, to prevent an interference so far with the wills of the founders, as to enable the colleges to place in the situation of fellows, and thereby to assist in the education of the youth of the two universities, the most capable men whom they can find in the universities or elsewhere. I find in a report made upon the subject of the University of Aberdeen, two of the members of which commission were doctors of divinity, the heads of colleges in Aberdeen, this statement against such an objection:—

> "One objection, which was very strongly urged, was, that the union of the two independent universities necessarily involved a violation of foundation charters and deeds of endowment, as well as an infringement on the vested rights of individuals. Considering that the foundation charters of both universities proceed on the narrative of its having been the object of their founders to promote religion and sound learning in the north of Scotland, we were not disposed to attach much importance to this objection as directed against a plan which was clearly calculated to further those ends. We were, moreover, disposed to think that where the rights of present incumbents are preserved entire, such an argument against legislative interference for the public good, with trusts constituted for the public benefit, was not entitled to any weight."

I must say, if the object could be accomplished without any interference whatever, that that certainly would be the preferable mode of obtaining it. But they state here what is the sound principle; and if you keep in view the intention of the founders to promote religion and sound learning in the north of Scotland, so if the object be to promote religion and sound learning in these two universities, I think you are entitled to interfere to promote it. I own it appears to me, with regard to the two universities, that the argument of my hon. Friend applies only to three, four, or five, out of the whole number of colleges at Oxford; and though it may apply to no greater number, yet, with regard to some of the most richly-endowed of those colleges, there is what, in mechanical phrase, would be called a waste of power to a great extent. That is, where you have endowments upon which the most learned persons must be maintained, and employed in the education of great numbers of young men, and you have not that object attained owing to the manner in which the foundation deeds, though liberal, have been departed from; if this be the case, how is the object to be accomplished? Some I know say, "Let a Bill be at once introduced for the purpose of enabling the universities or the colleges to make these changes." But I own, it appears to me that with regard to a question of this kind, and to some other questions akin to it, that an inquiry by a Royal Commission would be eminently serviceable; and that it would tend to make those changes which have been introduced by the universities themselves more complete and efficient. It is my intention, therefore, not to vote for the Motion introduced by the hon. Gentlemen the Member for Lancashire, which I hope he will not press upon the House; but it is certainly our intention to advise the Crown to issue a Royal Commission to inquire into the state of the two Universities of Oxford and Cambridge. I am glad no such commission was issued some eight or ten years ago, because, seeing the state in which the studies at the universities were—seeing how inadequate they were to the then state of knowledge, there would have been some appearance of hostility in issuing a commission of inquiry at that time; but at present, if persons are appointed who have belonged to those universities, who have themselves been educated at them, and who maintain regard and reverence for those seats of education, and if the inquiries they are directed to make are made in a friendly spirit, I own I can see nothing but advantage from such inquiries. It is therefore my intention to propose such an inquiry, and my own belief is that it will be of the utmost importance to the education of the people of this country. We are told there are 1,600 young men who are being educated at Oxford. I own I think that the advantages of an education at Oxford might be extended to a much greater number. I think the people of this country—without entering at all into the question of churchmanship and dissent, generally have the greatest interest in seeing that those funds are applied to the encouragement of sound learning, and the instruction of the youth of this country, at the most moderate rate at which that education can be afforded. I believe such was, in effect, the intention of the founders of the greater part, if not the whole, of those colleges. I believe in the times when those colleges were founded there was the greatest desire among men of wealth and property, and among the sovereigns and princes of this realm, to promote education in its largest sense, according to the best of the knowledge that could be procured in their day. My belief is, that if we promote education in its largest sense, combining with it religion and morality, which these great institutions are sure to maintain in this our present day, we shall be adding another security to the others for the maintenance of our institutions; that we shall be teaching a larger body of the people to look at the universities as places where their sons may obtain the best education that can be given, and fitted for the purposes of life to which they may be called. Nor am I in the least deterred by the consideration that my hon. Friend has put forward, that the universities have educated, in the course of late years, and in former years, the most eminent men in this country. If young men of talent were sent to those universities, and were given objects of study, no doubt those young men of talent would afterwards rise in Parliament, and in the councils of their Government; but the question is, whether you gave them, at that time, all the education which you could give them during their youth, to enable them to fulfil, nobly and magnificently, as it is said by Milton, the offices and duties to which they might be called. I should therefore hope, while the House need not come to a decision upon the Motion that is now before it, that the commission which will be appointed, with the view of aiding and assisting the universities in the noble object of reform which they have before them, would be received by them as a token of the interest which the Crown takes in their welfare, and in the means of making them still more useful and still more learned than they have ever been before.

Mr. GOULBURN said, although he cordially concurred in the commencement and some other parts of the speech of the noble Lord who had just resumed his seat, yet the satisfaction he had experienced had been more than diminished by the concluding announcement which he had made to the House of his intention to advise the Crown to issue a commission to inquire into the revenues and the system of education pursued at the universities. He agreed with the noble Lord, that with regard to the present Motion, it would have been impossible for any man who regarded the honour or interest of the universities to give it his support. He agreed with the noble Lord, that, if the question were one respecting the admission of Dissenters to the universities, it ought to be decided by Parliament, and not by a Commission issued by the Crown. He did not, however, agree in the propriety of the issue of such a Commission—he was not prepared to enter into a discussion of the legal rights of such a Commission, because, if the object in view was the benefit of the universities, he was quite certain that, independent of any question of legal right or principle, a Commission was not the proper mode of proceeding. He was quite satisfied that as great improvements had been made, even on the admission of the noble Lord, in the mode of teaching, and as the circle of knowledge to which the students were introduced had been much extended without the aid of a Commission, all these improvements would be controlled, thwarted, and probably defeated, by the issue of a Commission. Everything might be done with the universities. If the Crown would deal with them in the mode in which they had hitherto been treated—in concurrence with the leading members of those communities, by conciliation, and confidence in them—they would, without doubt, adopt such improvements as might be suggested. The noble Lord expressed his joy that the Motion for a Commission, on a former occasion, was defeated. If the noble Lord would postpone his present intention, he would, ten years hence, equally rejoice; but if his intention should be carried into effect, he would tell the noble Lord that ten years, nay ten months, would not elapse before he would repent of the step he was now taking. Let the House look at what had been done by the Universities in concurrence with the Crown during the ten years which had elapsed since the former Commission was in agitation. When Lord Monteagle, then Mr. Spring Rice, was Chancellor of the Exchequer, and the noble Lord was his Colleague, and when the question arose whether Parliament should address the Crown for the issue of a Commission, doctrines similar to those now advanced by the noble Lord were propounded; and it was said, that although Parliament could not interfere, the Crown could and would undertake the issue of a Commission upon its own authority; but now the noble Lord rejoiced, after the lapse of ten years, that that step was not taken. Now, what would be the necessary effect of a Commission which did not carry with it the complete concurrence of the body into whose conduct it was intended to inquire? The House was aware of the improvements which had taken place in consequence of the adoption of a totally different course. It was stated that there were great objections to the mode in which business was transacted in the university—that the statutes prescribed particular forms of examination, and particular branches of study, which had since become antiquated, and were not thought adequate to the wants of the community. Had there been any difficulty on the part of the university which he had the honour to represent, in making, with the concurrence of the Crown, wise and necessary alterations? Had they not, in many cases, abolished the restrictions which previously existed, and left the course of study as open as it could possibly be under any arrangement which could be justly made? He would ask the right hon. Gentleman the Secretary for the Home Department whether the authorities concurring with the Crown had not, at a very recent period, submitted to his consideration the most valuable amendments of the college statutes? And now what was the noble Lord's reason for adopting a different course of action? The noble Lord admitted that the universities had done a great deal in the course of the last ten years. That was perfectly indisputable. The noble Lord said the professor's lectures were open to all, and that those new branches of study had been introduced which were essential to a good education. But, said the noble Lord, under the present system of the universities, the time allotted to the lectures of the professors of modern history was so extremely short—being, as he said, only one hour or two on some one day in the week—that it was totally impossible that progress could be made in the particular science in which he was the instructor. Now, he begged the noble Lord to recollect, that under the system recently adopted, it was not merely the professor of modern history who was required to give lectures to pupils in that particular branch of study; but that there had been imposed upon a variety of other professors duties of a corresponding character in the sciences which they respectively profess; and if men were to be instructed in the many branches of knowledge contemplated by the noble Lord, it was impossible to assign to each that full measure of instruction which it was the object of the noble Lord that the students of modern history in the university should receive. But the noble Lord was entirely misinformed with respect to his facts, for Sir James Stephen was at this moment engaged in giving three lectures a week on modern history to a numerous audience, from whom he was receiving that tribute of applause to which his talents pre-eminently entitled him. If the noble Lord thought it necessary to send a Commission for the purpose of ascertaining whether modern history received its due proportion of time, he might save himself the trouble. But the noble Lord said he must have a Commission, because he wanted to engraft upon the tutors a knowledge of the sciences taught by the professors. He (Mr. Goulburn) did not deny that, having made one great change in the university, by introducing new branches of learning, and assigning to proficiency in them a new class of honour, some changes in the subordinate arrangements might be necessary. But the authority that made the great change, was surely competent to make the minor one contemplated by the noble Lord. They had acted not rashly, or without due consideration of the consequences of the step which they had taken. It was not imputed to them that they had any design to overthrow the object of the noble Lord by any underhand hindrance. But the noble Lord set up some new theory of statutes which no man who had read college statutes could entertain—namely, that the colleges impose a prohibition upon the election to fellowships of men who are competently informed upon the new branches of education which have been introduced into the university course. Now, he would tell the noble Lord that there was not a college in the University of Cambridge whose statutes prescribe the mode of examination by which a fellowship was to be obtained. The reason given by the noble Lord for the appointment of a Commission was, therefore, altogether unsatisfactory. But would the Commission be of any value? Did the noble Lord suppose that the sending of five, or six, or seven Commissioners down to Cambridge would not arrest the progress of improvement on the part of those who had hitherto so sincerely dedicated themselves to the promotion of education? Did the noble Lord suppose the Commission could bring before them the heads of houses, and tutors, and subject them to long and perhaps captious examination, without interfering with the progress of what was going on—without perilling the efforts of those who were labouring in the cause which he wished to support—or without casting an imputation upon their conduct and motives? He trusted that the noble Lord would now, as his Government did in 1836, reconsider the announcement which he had made. This was not the occasion on which he could enter into discussion with the noble Lord as to the best mode of education to be pursued in the universities of England. It was a most important subject. This, however, he would say, that he should be sorry, by the introduction of new studies, to divert the minds of the young from that pursuit of mathematical studies and classical literature which he believed to be the foundation of future eminence; for he was convinced, that of all the advantages which a man could derive from education, that which he obtained from a combined knowledge of mathematics and classical literature surpassed every other, so far as advancement in the world was concerned. He was prepared to admit the advantage of having extended the circle of knowledge to the moral and physical sciences, yet he hoped that they would not be pursued to such an extent as to interfere with the other; and that it was no part of the scheme of the noble Lord so exclusively to favour those new studies as to eradicate the taste and affection for the old, on which the fortune of the individual educated, his future usefulness, and the prosperity of the country, so much depended. He would not stop to argue the legality of the issue of such a Commission as that contemplated by the noble Lord. If the object which he had in view was deserving of the attention of the university, the noble Lord would have no difficulty, without a Commission, in securing the concurrence of those with whom he was desirous of acting; but if he should attempt, by a violent exercise of authority, to send down a Commission, the legality of which he (Mr. Goulburn) considered doubtful, but which some great lawyers considered quite illegal —he would involve himself and the bodies whom it was his object to benefit, in a course of contentious hostility which would be anything but favourable to the accomplishment of his wishes. He trusted the noble Lord would not place these learned bodies in the position of coming into collision with the Crown, but that he would rather endeavour, by conciliatory approaches towards them—by profiting by their experience—to facilitate the continuance of those improvements which they had spontaneously begun, and which would be pursued by the heads of the university with which he was connected, with every disposition to give them effect to the fullest extent compatible with the maintenance of those duties which belonged to them—the advancement of a religious education combined with sound learning. The noble Lord had referred to the Scotch universities; the question with respect to them was entirely and totally distinct, for the Crown had a legal power of interfering with the Scotch universities, which did not apply to those of England. The principle might be correct that the Crown was justified in uniting two Scotch colleges for the purpose of making better provision, by diminishing the useless waste of power which two institutions, instead of one, was there likely to cause; but, if the noble Lord attempted, upon the same principle, to unite two or three of the colleges in the English universities, with the view of effecting a similar object, he would tell the noble Lord that he would act in direct violation of the law, and would call down upon himself the deserved hostility of all who had any regard for the sacred principles of property, or who viewed the rights of founders as entitled to consideration. He considered the appointment of a Commission worse than useless—he believed it would be thoroughly mischievous, and should take every opportunity in his power of giving it his most uncompromising opposition.

Mr. SCULLY regretted that the noble Lord at the head of the Government had not said one word about Trinity College, Dublin. If the noble Lord had listened to the speeches made by the hon. Members for Cork and Carlow, or if he had borne in mind his own speech in 1846, he (Mr. Scully) thought that he could not have come to the conclusion of leaving Trinity College, Dublin, out of the Commission. The Roman Catholics of Ireland were a majority of the people of that country, and they ought to have a share of that which was intended for the benefit of the people. He would therefore request the hon. Member for North Lancashire not to withdraw that part of his Motion which related to Ireland. If he did withdraw it, he (Mr. Scully) would move that the inquiries of the Commission should extend to Trinity College, Dublin.

Mr. HEYWOOD said, that as the proposal of the noble Lord was an important step in advance, he was quite willing on his part to withdraw his Motion. He agreed with the hon. Member for Tipperary that it was important that the Commission should be extended to Dublin, and he should be happy to support a Motion to that effect.

Mr. ROUNDELL PALMER said, the course which had been taken rendered it very important that more time should be given for a full discussion of this question. The intention of the Government had not been announced till half-past 10 o'clock, and the previous course of the debate could not have given an idea to those interested in the Universities of the proposition which the noble Lord was about to make. That proposition involved questions not only affecting education in the Universities of the greatest importance, but also legal questions of the greatest importance; and on that account he deemed it necessary that the debate should not now close. With regard to the Commission, he conceived that it would be an illegal one. It appeared to contemplate the very thing which King James II. had attempted. The resistance offered to that movement of King James by the college to which he belonged, exhibited their faithfulness to their statutes and laws; and he had no doubt, if a similar visitation were forced on the Universities, contrary to the law and their statutes, that it would at this day be met with a resistance such as it met with then, and on that ground he moved that the debate be now adjourned.

Motion made, and Question put, "That the debate be now adjourned."

Lord J. RUSSELL expressed a hope that, as the hon. and learned Gentleman wished for an adjournment, the House would not object. He admitted that until he rose in the debate, the House had no intimation of his intention to propose the appointment of a Commission of Inquiry in regard to the Universities, and therefore he thought the suggestion of an adjournment reasonable; but he believed the hon. and learned Gentleman was mistaken in supposing that it was not competent to the Crown to issue a Commission, not to alter the constitution or regulation of these Universities, but simply to take evidence voluntarily from those who might be willing to give it as to the nature of the education given, and whether the usefulness of these institutions might not be extended, though there might be some difficulty in forcing parties to give evidence whether they were willing or not; but that was not what he proposed.

Mr. LAW thought the noble Lord was confounding two things—the issuing of a Commission to inquire into the state of the University as such, and an inquiry with the view to interfere with the foundation of these institutions, and the specific purposes for which they were established. The adjournment now proposed would give the noble Lord the opportunity of consulting with the law officers of the Crown as to how far the powers of the Crown extended in this matter; but it appeared to him that the noble Lord would find it a matter of considerable difficulty to force such an inquiry upon a reluctant university. He contended that when the visitor had not failed in his duty—and there was a special visitor to these colleges—there was no jurisdiction in the Crown to issue a Commission to inquire, or power to enforce the attendance of witnesses, or, when the information was obtained, to effect any alteration in the foundation. They might as well attempt to disturb every charitable foundation in England, as to seek to interfere with these institutions. They could not alter the original foundation, or appropriate the fellowships to any particular study other than those to which they were now directed, without an Act of Parliament; and with regard to a Commission of Inquiry under such circumstances, he was sure the noble Lord would not go through the farce of sending such a body when the parties would not have the power to enforce the attendance of witnesses, or to take any other steps to obtain information, or carry out the object for which they were appointed. He trusted the noble Lord would reconsider the matter, and that if he found himself wrong he would have the manliness to recede from the intention he had expressed that night, and trust to the efforts of the University, which had shown every desire to adapt its system of education to the altered state of society for carrying out its objects.

The ATTORNEY GENERAL would not have desired to trouble the House with any observations, had it not been for the doubt thrown out by his hon. and learned Friend the Member for Plymouth, and which seemed to be participated in by the hon. and learned Recorder. He (the Attorney General) begged the House to understand that it was from no doubt entertained by his noble Friend, or by those with whose concurrence he acted with regard to the legality of the proposed commission, that he had assented to the adjournment of the debate. He believed that it proceeded from a simple misconception of the nature and character of the proposed commission, that doubt was entertained of its legality by any one. If it had been an executive commission to enforce an inquiry, to insist upon the production of documents, to compel the examination of witnesses, to alter statutes and make regulations, he concurred with those who thought that it would be illegal, and that they could not attempt to assert any authority in such a case as the present, unless the commission were founded upon an Act of Parliament. But the noble Lord had not, for a single moment, suggested a commission of that nature. In reference to a remark made by his hon. and learned Friend the Member for Plymouth, that there might be resistance to the production of evidence, his noble Friend had merely said that, in that case, the commission could not insist upon the information requested. If any hon. Member really had a doubt of the legality of a commission of the kind proposed, he would remind him of the precedents recently adopted by former Governments. What was the difference, for instance, between a commission such as was now proposed for the purpose of examining willing witnesses, and documents willingly produced, and that commission issued by the right hon. Gentleman the Member for Tamworth, to inquire into the constitution of the deans and chapters of England? There was also the case of the commission which inquired into the municipal corporations of England and Wales. In each of these cases the object of the commission was, not to make regulations or enforce opinions, but to collect information from parties willing to afford it, with the view of inducing the Legislature to found upon that information, if necessary, a future Act of Parliament. Upon the information so collected on both these subjects, the Legislature were ultimately enabled to found valuable measures, and it was with the same view—namely, to facilitate the improvements which were in progress in the universities—that the noble Lord had suggested the proposed commission.

Mr. BEST said, he had ever considered the universities as the primary schools of the Church of England; and in spite of hon. Gentlemen who sat on the opposite side, and who belonged to all sects, creeds, and denominations, would support those universities through thick and thin on which depended the essential principles of the Church of England. He hoped that no Member on his side would ever sanction anything which would do away with that right which had so long existed, that the universities should have free rule and regulation within their proper precincts. He should, therefore, oppose the Motion of the hon. Member for North Lancashire.

Mr. HENLEY thought that the news of this commission being issued would not be very consolatory to those on whose behalf it was said to be about to be issued. It would be a perfectly voluntary act to give any information, as it was not to be an executive commission; but they were told immediately afterwards, that it was to be like the commission which sat on the municipal corporations and the deans and chapters. Was it meant to follow up this commission in the same way? because if it were, he should think those learned bodies would be very careful as to what information they might give. With many bland and civil words, Ministers, as in the former cases, would try to send their victims to the right about, after they had got all the information they could from them. The hon. and learned Attorney General had most distinctly alluded to the course taken in those two instances; therefore he (Mr. Henley) thought it would be well that all parties should know the object and intention of this commission so announced. It was very well in the noble Lord to say that he would separate from this question that of admitting Dissenters into the universities; but he believed this would not help him in the accomplishment of his object. With the small end of the wedge once inserted, it was easy to predict what would be the next move.

Colonel SIBTHORP tendered his most cordial thanks to the hon. and learned Member for Kidderminster for the manly course which he had stood forward to take in that House on this the first occasion when he had had the pleasure of hearing the hon. and learned Member. As often as the hon. and learned Member protested against the arbitrary acts of corrupt Ministers, so often, he hoped, it would be his good fortune to accompany the hon. and learned Member. The noble Lord had adopted, on the present occasion, as usual, an evasive mode of proceeding. He was now going to issue a commision, paid or not, he (Colonel Sibthorp) did not care; but he knew that it was a commission which boded evil, and could by no possibility be productive of good to those universities in which the noble Lord professed to take so deep an interest. It was, as he had said on a former occasion, a shuffle—another base Ministerial trick. He hoped the House would divide, and compel the abandonment of the transparent dodge. If the noble Lord had not placed himself in a position to court the good graces of what was called the Peelite section, he would not now be enabled to aim at that dominion over the House he was trying to exercise. For himself, he was unchanged and unchangeable in his political course. If those who had changed, and had truckled to the other side, had taken a different and a straightforward course — such a course as the hon. and learned Member for Kidderminster adopted—they would not now have afforded the noble Lord this opportunity of creating another dirty commission.

Mr. SCULLY inquired whether the commission was to extend to Trinity College, Dublin?

Lord J. RUSSELL was understood to say, that he doubted whether it would be convenient to include that University.

Motion made, and Question put, " That the debate be now adjourned."

The House divided: — Ayes 273; Noes 31: Majority 242.

Debate adjourned till Wednesday, 1st May.

DEFALCATIONS OF SIR T. TURTON.

Mr. ROEBUCK moved for a Select Committee, to inquire into the defalcations occurring during the registrarship of Sir T. Turton, Registrar of the Supreme Court of Judicature at Bengal. Sir T. Turton had been appointed under the 39th George III., and by the powers of that Act the property of all persons dying intestate in that presidency was, of necessity, placed in his hands. Having so obtained the property in question, it became lost, and the unfortunate sufferers now came and asked the House of Commons to determine what ought to be done with them. There could not be two opinions, that, so far as the sufferers were concerned, they had a clear claim upon somebody to have their property restored. He, therefore, asked for a Committee to inquire where the *laches* were with respect to these transactions, and to remedy the mischief. He abstained from offering any opinion on the subject, and he had only to hope that his request would not be refused, inasmuch as it was an appeal to the justice of the House.

Sir J. C. HOBHOUSE thought it impossible for the House of Commons to refuse the inquiry now sought for. A similar unfortunate case had occurred in the year 1828; and in 1830, the House of Commons, almost without any discussion, appointed a Committee to inquire into the circumstances that had produced the defalcations which had occurred in the presidency of Madras. The hon. and learned Member for Sheffield had very properly refrained from offering any opinions upon the present case, and, therefore, it was a perfectly legitimate subject for a Committee to ascertain the extent of the evil, and to remedy it. At present he would not enter into the merits of the case; but the time might come, after the Committee had deliberated and returned their report, when he should feel it his duty to express his opinion in reference to the case. At present he did not feel himself called upon to do more than acquiesce —and, he would say, very cordially acquiesce—in the request of the hon. and learned Member.

Sir J. W. HOGG said, he entirely acquiesced in all the observations of the hon. and learned Gentleman who had moved for the Committee. It was a fit and proper subject for a Committee, and there could be but one opinion on the merits of the case.

Motion agreed to.

WOOD USED IN SHIPBUILDING BILL.

Order for Committee read.

Mr. HUTT moved that the Committee be postponed to this day fortnight. He wished to know what course the right hon. Gentleman the Chancellor of the Exchequer intended to take with respect to the Bill?

The CHANCELLOR of the EXCHEQUER said, that he had been in communication with the hon. Member himself, and had also taken every means of obtaining information on the mode suggested by the hon. Member, and the result of his inquiries had been to convince him that it was perfectly impossible to obtain any adequate security against fraud, in allowing a system of drawbacks with respect to wood required for shipbuilding purposes. He fully admitted that the timber duties were at present in an unsatisfactory state, and that strong reasons existed in favour of an alteration. There were insuperable difficulties, however, in the way of drawbacks, and he should therefore feel it his duty to oppose the Bill whenever it might be brought forward.

Viscount JOCELYN expressed himself desirous of seeing the subject finally disposed of, as in the present unsettled state of affairs many persons were subjected to great inconvenience. He regretted that upon a former occasion, when he felt it his duty to ask a question of the right hon. the Chancellor of the Exchequer, that right hon. Baronet should have answered him in a manner which showed that he had allowed his temper to get the better of his good judgment.

The CHANCELLOR OF THE EXCHEQUER said, that he was not aware of having, on any occasion, answered the noble Lord with any want of courtesy. What he had stated in reply to the question was, that the more convenient time for putting his question would be when the present Bill was brought before the House.

SIR G. R. PECHELL expressed his great regret at the decision to which the right hon. the Chancellor of the Exchequer had come.

MR. HUDSON was also concerned to hear the decision of the right hon. Gentleman, as he was sure it would be heard with concern by his constituents. He hoped, however, that the question would be settled at once, as many persons were prevented from entering into engagements so long as the question remained in suspense.

MR. MITCHELL said, he proposed to postpone the Committee for a fortnight, in order that he might have time to produce further evidence, that he might, if possible, change the right hon. Gentleman's decision, which he, in common with other Gentlemen, deeply regretted.

House resumed.

Committee report progress; to sit again on Tuesday, 7th May.

The House adjourned at half after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, April 24, 1850.

MINUTES.] PUBLIC BILLS.—2° Vestries and Vestry Clerks.

JUVENILE OFFENDERS' BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. M. MILNES, in rising to move the second reading of the Juvenile Offenders' Bill, begged to apologise to the House, as an individual Member, for taking up so important a subject. His connection with the Philanthropic Society had induced him to devote much attention to the dreadful state of the juvenile criminal population, the heavy cost and expense they entailed upon the country, while the means used for their reformation had proved inefficient. In 1847 a Committee of the House of Lords sat upon this subject, composed of the Lord Chancellor, Lord Brougham, Lord Denman, Lord Campbell, and other high legal authorities, together with the Duke of Richmond, the Earl of Chichester, and the Marquess of Lansdowne. That Committee reported during the same year; and, when he brought forward a Bill founded specially upon that report, he felt that such an authority entitled him to claim some attention from the House. [The hon. Member quoted several extracts from the report and the evidence taken before the Lords' Committee, in order to show that the principles embodied in his Bill had received the sanction of that Committee.] Two of the objects he proposed to attain were—first, an increased liability to be thrown upon the parents of these juvenile offenders; and, secondly, the establishment of a reformatory asylum. In 1847 the subject was repeatedly urged upon the attention of the Government; and about that time the magistrates and town council of Liverpool addressed the Government and presented petitions to both Houses of Parliament representing the fearful condition of juvenile crime, the enormous expenses it entailed upon the local rates, and intreating the Government to interfere and establish some more efficient and economical arrangement. Since that time he believed that frequent applications of the same kind had been made to the same quarter. Still, nothing had been done, and matters had come to this pass, that a memorial had only yesterday been presented to the right hon. Baronet at the head of the Home Office, signed by the chaplains of the principal jails in the country, imploring Government no longer to neglect the recommendation of the Lords' Committee of 1847, to deal with juvenile crime, at least on first convictions, by means of reformatory asylums, on the principle of Parkhurst Prison, rather than by ordinary imprisonment. The memorialists stated, using the words of Baron Alderson—

> "That such a judicious plan of reform for juvenile offenders would be the most economical

as well as the most merciful arrangement which could be made; that the expenses now incurred by their repeated recommitals and trials greatly exceeded the probable cost of an attempt at an effectual reformation; and that to cure this class of offenders would be to cut off one of the most prolific sources of adult crime."

That was the opinion of gaol chaplains, to the number of fifty, who had signed that memorial; and they were probably the persons best competent to form an opinion upon, and to deal with, the question. Fortified as he was by the report of the Lords' Committee, by the authority of the memorial from which he had just quoted, and by many other corroborative allegations which had been made to the Home Office from other quarters, he felt justified in appealing to the House to consider this as a most important subject. English law had been distinguished above that of other nations for severity towards the offences of children. By the civil or old Roman law, prevailing on the Continent, no child was punished for any offence up to the age of ten years and a half; and between that age and fourteen they were punishable only as a parent might chastise them, and in a less degree than adults. In England the law had never laid down a distinct rule as to the age under which a child could be convicted, except, as he had been informed, that no legal conviction could be had of an offender under seven or eight years. But how little that rule, if it existed, had been adhered to in practice, might be inferred from the fact that Lieutenant Tracy, the governor of Westminster Bridewell, had had under his charge one boy not much over five years old, and ten more under eight years. Cases had even occurred in which mere children had been put to death under circumstances of great cruelty. The gravity of the question rested principally upon the enormous number of these juvenile offenders. He had a return of the number of them at present in prison; and in the report of the Inspectors of Prisons, just laid on the table, the House would find ample details relating to juvenile crime. If the energy of the Government as to this question had been equal to the accuracy of their own inspectors, their attention would have been given to it long ago. He found by the returns that, in 1848, the number of these juvenile offenders sent to trial was 3,276, while the number of those summarily convicted was 10,747, making a total of 14,023 children brought under the operation of the law. The total number of adults imprisoned at that time was 152,253. In 1848 the number of summary convictions of offenders under twelve years of age was 1,389; between twelve and fourteen years, 627; and between fourteen and seventeen years, 6,710. And how many did the House suppose had been recommitted? If there had been good reason to believe that those punishments of which he had just read the numbers had been effectual, he should have found no more fault with this than any other part of the law. But what were the facts? He found that the recommittals were in several cases above one-third of the whole punishments, and he would read the numbers of them to the House. Of the recommittals in 1848 there had been—once, 2,080; twice, 954; thrice, 448; four times and oftener, 675; making a total of recommittals of juvenile offenders of 4,076. He would trouble the House with one special case by way of illustration. At the Middlesex April sessions—taking a large average of years, from 1838 to 1848—the recommittals numbered thus:—In 1838 the number was, 219 out of 586 cases; and in 1848-9 the recommittals were 400 out of 1,038 cases. The total of the intervening years was 3,504 out of 9,165, or about one-third. Mr. Clay, chaplain to the House of Correction at Preston, and Mr. Rushton, the able stipendiary magistrate of Liverpool, had given very important evidence on this subject. Mr. Rushton said, the proportion of recommittals in Liverpool was, of adults, 36; and of juveniles, 66 per cent. The average was 50 per cent, whilst 28½ per cent had been imprisoned four times. The testimony of the able Commissioner of the *Morning Chronicle* was confirmatory exactly of these results, though from very different authorities. A large meeting of thieves by profession was held, at which that gentleman was present; and he stated that out of the number present two had been imprisoned 18 times; five, 20 times; six, 24 times; one, 25 times; and that one, who was only 19 years of ago, had been imprisoned no fewer than 29 times. And on examining some of those parties, the Commissioner of the *Morning Chronicle* found one, a young mendicant, about 13, who could not tell how often he had been in prison, but he thought it might be about a dozen times. The House would thus see the circumstances in which this class of beings were placed, and that the wonder was, not that they were in prison, but that they were ever out of it. Mr. Rushton mentioned the case of a boy, fourteen years of age, who had been twenty-four times in custody, and five times discharged, twice imprisoned for fourteen days, once for one month, once for two months, six times for three months, and tried and convicted, and sentenced to four months' imprisonment, and to be twice whipped. Let the House consider for a moment what the penal education of that child cost the borough of Liverpool, and say whether, from the low motive of economy, it would not be wise to improve the system. A little consideration, he thought, would bring the House to the conclusion that these results were the natural consequence of the way in which young criminals were treated in this country. [The hon. Gentleman read the history of two children who had been driven from home by the cruelty of their parents, who forbade them to return unless they committed theft for their support.] In many instances, the parents actually told the child to steal property which they pointed out, and refused to give it food until the theft had been effected. In all such cases there was a perversion of the natural affections of the most frightful nature, for all the impulses which should be for the good of the child thus became impulses for evil. The child was stimulated to crime. How, under such circumstances, children could be treated as absolute criminals, and as enemies to society, he could not understand; for crime with them became a sort of enforced profession, whilst the chances of conviction were exactly those of a soldier receiving a wound, or of a medical man catching infection. This, indeed, was shown in the perverted adaptation of the words which these unfortunate beings used among themselves and in their habitations; for they called the receiving-house a "school," and designated theft by the name of "work." Now, he contended that the older prisons, such as Newgate, were totally incapable of promoting the reformation of juvenile offenders, whilst those established upon the new system provided such comparative comforts, that in many cases the prison became a real home to the criminal. This, indeed, had already become a great question with regard to adults; but it was of infinitely more consequence in relation to juveniles. Prison discipline had arrived at that stage that the polluted must be parted from those under reformatory discipline, or else children would be taken there again and again, thus exhausting local resources. It might be said, "Why not adapt separate confinement, the cellular system, to juveniles, and instruct them just as they are at Reading under the Rev. Mr. Field?" He had no doubt the cellular system would to some extent be beneficial, for Mr. Clay had shown that since its introduction at Preston, out of 110 persons committed in two years and a half, only three had returned; but other considerations must also be taken into view. It was a system attended with great expense, and, with all respect for the authority of Mr. Field, he thought it objectionable as applied to children. It might be an effective punishment for a very short time; but the notion of shutting up a child for twelve months in a separate cell could only be justified in the case of very active intelligence, and of spiritual instruction of the kind given in Reading gaol. He wished to speak with respect of prison chaplains; but he must say that he should not desire to trust the greater part of them with the cellular confinement of children for the space of time required to make it effective. Then, it was said that schools in the prisons were very effective; but he, on the contrary, had found them generally ineffective. The notion of a school in a prison, accompanied by prison discipline, destroyed all the energy and elasticity of mind which was the very foundation of education; and he had the authority of Mr. Shepherd, the governor of Wakefield House of Correction, for stating that the combination of school and prison discipline was extremely difficult, whilst the continued and forced silence so restrained the mind as to make instruction ineffectual. He would now make a few observations upon the Bill he had the honour of bringing under the consideration of the House. It was a Bill for the correction and reformation of juvenile offenders, and the prevention of juvenile offences. In the first clause he proposed that no male child above fourteen years of age (altered from sixteen) should receive corporal punishment, and that summary jurisdiction should rest with two magistrates, instead of one only as originally proposed. If the child was a female, she was to be reprimanded and discharged; if a male, the punishment would be inflicted in the most convenient police-station, lock-up, or prison, and then the offender would be discharged, so as to avoid the taking of them to prison in a formal manner. In Edinburgh this power had been found to operate well. During the last three years the magistrates there had had the power of whipping instead of sending to prison for simple larceny; and juvenile crime had decreased in consequence. But he did not regard this first clause as in any degree involving the principle of the Bill, and he should be happy to receive any suggestions upon it; for all he wished was, that, for the first pilferage, the child of the poor man should, as in other cases, receive a child's punishment —above all, that it should not be sent to prison. The second clause of the Bill related to the responsibility of parents, and enabled magistrates, if they thought fit, to summon the parents of any child who, by neglect, ill-treatment, evil example, or direct instigation, had led such child into the commission of any offence. Such parent was to be deemed guilty of a misdemeanor, a fine of not less than *5s.* nor more than *5l.* inflicted, and sureties might be required for the better behaviour of the child for the next twelve months. This, he was aware, might be considered an innovation upon the existing law, but it had been suggested by high legal authority who had well considered the subject. Mr. M. D. Hill, the Recorder of Birmingham, had given conclusive evidence in its favour. Mr. Bullock, Judge of the Sheriff's Court; Mr. Russell, Prison Inspector; Mr. Rushton, the Liverpool magistrate, in their evidence before the Lords' Committee; and Lieutenant Tracy, governor of one of the largest houses of correction, in a letter to himself, expressed their opinion that the proposed alterations would have the most salutary operation. In Scotland, by Sir William Rae's Act, the magistrate had the power of inflicting sixty days' imprisonment, and taking recognisances from the parents for the good behaviour of their children, which was found to be attended with the best effects. By increasing the responsibility of the parents, and their sense of parental obligation, he believed they would be conferring a great benefit on the country. There was another provision of the Bill which was merely permissive, empowering magistrates to establish industrial schools for juvenile offenders after the second conviction. Many magistrates had declared their conviction that such establishments would both be followed by the most beneficial effects in the reformation of offenders, and lead to a large saving in the county expenses. The first institution of this kind in England was founded in 1708, and there were now several in operation, both in this country and in France, Belgium, and Holland, especially the celebrated one of Mettraye, In proof of the benefits that might be expected from legislating in this direction, he might refer to the success which had attended the efforts of the Philanthropic Society, under the able management of Mr. Turner, the chaplain, and the officers of the institution, as well as of a similar institution at Stretton, near Warwick. Mr. Rushton and other witnesses before the Lords' Committee expressed the highest opinion in favour of houses of refuge. It was said that these houses of refuge which he proposed, by placing a juvenile offender in a better condition than the child of a poor man who had not broken the law, would offer a certain premium upon the commission of crime, and that it would offer a temptation to a parent to drive his children into the refuge, in order to relieve himself of the burden of their maintenance. He thought that this objection would hardly be made if hon. Gentlemen would consider that, under the present system, parents had only to encourage their children to commit crime and get them sent to prison in order to relieve themselves of the responsibility of their maintenance. He knew he might be told that there were some parents who, while they might not contemplate making their children criminals, in order to get them sent to gaol, would not scruple to do so to get them put into the refuge; but he believed that such cases would really be so exceptional that they were not worth consideration. As a practical evidence of the value of such a system, he might refer to an analogous system, namely, an educational reform establishment which had been for some time in operation in Aberdeen, under the auspices of Sheriff Watson, for taking in juvenile vagrants as well as children left fatherless or unprotected on the streets. Mr. Watson had assured him, in answer to his inquiries, that he had never heard it objected that this institution offered any encouragement either to crime or vagrancy; and the last report of the prison inspector for Scotland stated a very large diminution of crime and vagrancy in the town of Aberdeen, which was attributed to the establishment of this industrial school. He (Mr. Milnes) had provided that no child should be sent to an industrial school who had not previously undergone a term of penal confinement, with or without corporal punishment. He confessed he should have been glad to avoid the stigma of the prison at all previous to sending children to the refuge; but, after consulting police magistrates and other persons of weight on the matter, he had somewhat unwillingly consented to the provision. The Bill, therefore, made no infringement upon the penal character of the present law; he only added to the present law provisions of a reformatory character, the adoption of which he believed to be the only way to save us from the frightful consequences which would otherwise inevitably ensue. He proposed to give power to the governors of these industrial schools to detain prisoners after the expiry of their term of sentence, which he believed would be very useful. In this respect we might take a good lesson from the French law. The cost of maintaining the children was to be thrown on the parishes, with power to recover from the parents where practicable. Under the present system, the cost to the county of recommittals of juvenile offenders was enormous. Mr. Poynder calculated that in this city alone, there were not less than 500 criminal boys, who had cost the country 100*l*. each; whence it might be judged how enormous was the cost for the whole country. Taking the number and cost of juvenile offenders in the city gaol of Bath, as the basis of the calculation, the annual cost for the last six years might be set down at 545,000*l*. He would also urge upon the House that it became a Christian duty on their part, to take care of the religious and moral education of these unfortunate children. Let him remind them that this was not to be regarded as a county magistrate's case, as the number of juvenile offenders committed by them was comparatively trifling; and with regard to offences against the game laws, of which so much was said, it appeared that the whole number of juvenile offenders committed under the game laws, did not exceed 213. It was purely a question of police, and they could not overlook the fact that the number of juvenile offenders was gradually increasing. In 1847 the total number of this class of offenders imprisoned was 11,195, while in 1848 it was 11,763. In conclusion, he might say that the character of the Bill might be described by the inscription placed by Clement XI. over the entrance to the church of St. Michael, in Rome—

> "Perditis adolescentibus corrigendis
> Instituendisque,
> Ut qui inertes oberant
> Instructi Reipublicæ serviant."

Would that he could add the words "Victoria Regina!"

Sir G. GREY said, he could assure his hon. Friend that he was not at all disposed to disregard the subject that his hon. Friend brought before the House. He was sure also that the House was not indisposed to take into consideration any practical measure that would be brought forward on the subject; but the question to be considered was, whether this Bill was of a practical character. His hon. Friend had appealed to him as if he apprehended that the Government might think the Bill wholly impracticable, and he would endeavour to explain to the House whether it was so or not. The Bill consisted of four very distinct parts. The first part gave a very wide extension of the summary jurisdiction now possessed by magistrates with regard to juvenile offenders under the age of sixteen years. It also gave the power to a single magistrate, but he understood his hon. Friend to have stated that he was willing in Committee to limit this summary power to two magistrates, and to cases of offenders under fourteen years of age. The second part of the Bill related to the criminal responsibility of parents, that responsibility to be enforced by one magistrate, though he supposed that here also his hon. Friend would limit the power to two magistrates sitting together. There was also a provision which was not a new one, except in rendering it the subject of summary jurisdiction, namely, the criminal responsibility of all adults, including parents who directly incite children to crime. The other parts of the Bill related to the treatment of juvenile offenders committed for the first time, and to the establishment of industrial schools, and the treatment of more confirmed offenders. With regard to the first part of the Bill, it superseded the Act of the hon. Member for Droitwich, while this Bill altogether omitted the details which the other Act contained. There was no provision for compelling the attendance of the parties charged, or of witnesses, and no form of conviction, or provision for the costs of the proceedings. His hon. Friend seemed to attach great importance to the provision which enabled magistrates to abstain from committing for the first offence; but this power was already possessed by them under the Juvenile Offenders Act, and was constantly exercised. The second clause gave the magistrates very extensive jurisdiction over adults. A magistrate might convict summarily the father or mother, even of an illegitimate child, for any offence committed by the child against the law, the neglect or bad example of the parent being construed into a misdemeanor. The third clause provided that any adult person, including the parent, who should induce a child under sixteen to commit an offence against the law, should be liable to the summary jurisdiction of two magistrates. Now he must object altogether to giving any two magistrates in all cases this power. A parent might, for instance, induce a child under sixteen to commit a murder, and the law made such an offence capital, whereas the present Bill would make the penalty a fine not less than *5s.* or not exceeding *5l.*, or imprisonment till the fine was paid. The offender might thus escape with a fine or short imprisonment, unless his hon. Friend proposed that the party should be tried a second time on the capital charge, after being once convicted and punished for the offence. The 13th, 14th, 19th, and 22nd clauses, also gave greatly increased summary powers to the magistrates. On a second conviction, which might be for vagrancy, for instance, the juvenile offender might be sentenced to ten weeks' separate confinement, with corporal punishment, and be afterwards committed to an industrial school for a period of not less than one year, or not more than three years. After two years in the school, the visiting magistrates, not the committing magistrates, were to have power of giving up the offenders to their parents or relations, or sending them into the Army or Navy, or binding them to any trade in any part of Her Majesty's dominions. Now, it was altogether impossible that such a summary power could be exercised. [Mr. M. MILNES said, that the French code had it.] Whatever might be done in France, he was convinced that such a power could not be exercised in this country, and his belief was that it would be wholly impracticable thus to force persons into the Army or Navy. For a third offence, the juvenile offender might be committed to prison for seven years. The object of that provision was clearly that the boys might be sent to Parkhurst, but there was nothing in the Parkhurst Act which prevented boys under sentence of imprisonment from being sent there, though it was thought advisable practically to confine the admission to that prison to those under sentence of transportation. He objected altogether to giving a magistrate power to sentence a prisoner summarily for a third offence, which might be vagrancy for instance, to a punishment tantamount to transportation for seven years. With regard to the establishment of industrial schools, he was perfectly willing to admit, with his hon. Friend, that the principle was to a certain extent good; but what they had to consider was, not so much abstract principles as their practical application. He could not understand, if the principle was to be adopted, why it was to be limited to country industrial schools, as the far greater number of juvenile offenders were to be found in cities and boroughs. By this Bill, however, the schools were to be confined to counties, and the whole expense of them was to be thrown on the county rates. He doubted very much the expediency of establishing schools at the public expense, which would hold out great advantages to criminal children and their parents. He thought such schools would be much more useful if supported by private charities, such as the Philanthropic Institution, which acted on this principle, but without any ostentation. The Government sent juvenile offenders to it, on paying the expenses for which they would be chargeable if the prisoners had remained in gaol. But independent of that consideration, they had already a power, under the District Prisons Act, to establish these institutions if they thought proper. He received only that morning a pamphlet from Mr. W. Gladstone, the treasurer of the Philanthropic Institution, containing a translation of a report presented to the National Assembly of France. Mr. Gladstone differed to some extent from his views, but he concurred with him on this point to which he had last referred. Mr. Gladstone thought there should be two classes of these schools, one reformatory, and the other for the punishment of the wilfully criminal and vicious. The latter might be regarded as ordinary prisons, while with regard to the former, that gentleman thought they should be mainly founded by individual benevolence. With regard to the fourth object of the Bill, the pecuniary liability of parents, he had also to admit that the principle was an admirable one if it could be carried into practical effect. If they could find a parent who had stimulated a child to crime, and who could afford to pay a pecuniary penalty, it was right to compel the payment, but under this Bill there would be the difficulty of finding who the parent was, and to what parish he was liable, and this, he believed, would lead to endless litigation and costs. The cost of each inmate in the Philanthropic Institution was 15*l.*; but it was now proposed that an agricultural labourer, for instance, should be liable to 16*l.* a year for the maintenance of his child in prison or in an industrial school, for which his goods were to be sold, and the rest of his family left to starve, the magistrate by whom the order would be made on the parish being entirely ignorant in many cases of the real circumstances of the family. He believed that in this as in other instances, the machinery of the Bill was perfectly impracticable, and would in many cases lead to great injustice and hardship. In addition to this, it should not be forgotten that there was at this moment a Committee sitting upstairs on prison discipline, of which his hon. Friend was himself a member, and he thought it would be wise to wait for the report of that Committee before proceeding to legislate on the subject.

Sir G. STRICKLAND said, after the speech which they had just heard from the right hon. Baronet, it was unnecessary for him to occupy the House at any length. The hon. Gentleman the Member for Pontefract had presented a frightful picture of juvenile depravity, but this Bill would not remedy that state. One of the objects which the hon. Gentleman professed to have in view, was, to do away with the expense of imprisonment; and yet the Bill proposed to give the magistrates the power of imprisoning summarily for seven years. The hon. Member was said to be a great poet, and certainly this Bill contained a great of imagination, but it had neither rhyme nor reason. He was surprised to see the name of an hon. and learned Gentleman the Member for Newcastle-on-Tyne at the back of a Bill which proposed to abolish trial by jury in two-thirds of all the cases of larceny that were tried in the country. Had the hon. and learned Gentleman read any of the great law writers of the country, who one and all maintained that trial by jury was one of the dearest rights of Englishmen? Had he studied the writings of the law reformers of our own days—the writings of Sir Samuel Romilly, of Lord Brougham, or of a still higher authority—the most learned and constitutional Minister that this country had ever possessed, the noble Lord at the head of the Government? who said, that to trial by jury the people owed whatever share they possessed in the government of the country; that to trial by jury the Government mainly owed the attachment of the people to the laws—a consideration which ought to make legislators cautious how they took away the right of trial by jury, by new, trifling and vexatious enactments. This was a new, trifling, and vexatious enactment, for it went to empower two magistrates to try prisoners in their own back parlour, or it might be the servants' hall, in the midst of their own drunken servants, and there to sentence prisoners to be privately whipped. Nay, the Bill did not stop there, for it proposed that the parents should be punished as well as the children—in fact, the proposition was that the child should first be flogged, and then that the parent should be punished. He did not think that either the House or the country would have this legislation, and therefore he would move that the Bill be read a second time that day six months."

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. S. CRAWFORD seconded the Amendment.

Mr. M. MILNES explained, that he was desirous to adapt this measure to the Summary Jurisdiction Bill, in conformity with such decisions as the House might come to upon that measure.

Mr. SIMEON considered that the House and the country were under great obligation to the hon. Member for Pontefract for having applied his attention to this important subject. The hon. Baronet the Member for Preston had said that this measure would be administered in the back parlours or servants' halls of magistrates; but, whatever might be the case in Yorkshire, he could assure the hon. Baronet that in no part of the country with which he was acquainted, did magistrates hold their sittings in such places. The principle of this Bill must meet the approbation of every man who had given close and deliberate attention to the subject. The hon. Member for Pontefract had satisfactorily proved that the treatment of juvenile offenders under the existing law was ineffectual in a reformatory point of view; and that the poet's description might be justly applied to them :—

> "Their infant years owe nothing to our care—
> Their minds neglected, and their bodies bare."

He fully concurred in the principle of the Bill, and would give it his most cordial support. The prison arrangements at Parkhurst were most admirably conducted, but he thought the system adopted there was perfectly inadequate to meet the evils with which this Bill was intended to grapple. The only remedy was, in his opinion, to combine an educational discipline with the necessary penalty of crime. He considered that even this Bill was incomplete, for he would be glad to see introduced into it a provision similar to the 6th article of the French penal code, which gave power to courts of justice trying juvenile offenders to assert the irresponsibility of such offenders up to the age of 14 years, and also authorised the courts to commit such persons to a place of education and reform, instead of to a prison. The condition of the inmates of the establishment at Mettraye, in France, might be most favourably contrasted with that of the prisoners at Parkhust. Mettraye was an agricultural and reformatory colony, while offenders sent to Parkhurst went at once to a prison, with the penalty of guilt attaching to them. Mettraye was surrounded merely by a simple thorn hedge, and yet, from the formation of the establishment an attempt at escape on the part of the inmates had never occurred; while, although Parkhurst was encompassed by apparently impassable walls, the escape of prisoners had been so frequent as to excite indignant complaints from the inhabitants of the district. It was by no means uncommon for persons who, having been inmates of Mettraye, afterwards became shopkeepers, to put over their shops the notification "Eléve de Mettraye;" while our colonies, tainted and vitiated as they had been by a felon population, had in many cases refused a consignment of Parkhurst boys.

Mr. HEADLAM thanked the hon. Member for the Isle of Wight for the moral courage he had shown in supporting the Bill, notwithstanding the decided expression of opposition on the part of the House at large. For himself, though he was not pledged to all its details, yet to the principle of the Bill he gave a hearty support. He thought his hon. Friend the Member for Pontefract had not been fairly treated in this matter; and he particularly regretted that the right hon. Baronet the Home Secretary, after agreeing with so many of his hon. Friend's principles and propositions, should have withheld his support from the measure, on account of his objection to trifling details. He had in his hands the report made to the National Assembly by several eminent men who had inquired into the system at Mettraye, who reported decidedly in its favour, and who recommended the Legislature to establish other similar institutions. It would be found that all persons who had anything to do with the present system of punishment in this country, concurred in the opinion that it was ineffectual. He should conclude by asking the House to support this measure, on the ground that it was based on the same principle with the system in France, which some of the greatest men in that country had declared worked well.

Sir J. PAKINGTON thought it right to state, as the Juvenile Offenders' Act of 1847 had been frequently referred to in the course of the discussion, that he was no party to this Bill, and that as the measure now stood he could not give it his support. The object of the hon. Member for Pontefract was most benevolent and praiseworthy; but he (Sir J. Pakington) could not agree in the mode in which the hon. Gentleman proposed to carry it out. If industrial schools of reform were established in every county of England, he feared there was great danger that they might prove to be a premium upon vice; and he thought such a task ought to be undertaken—if at all—with the greatest caution, and with all the weight, authority, and investigation the Government could bring to bear upon the subject.

Colonel THOMPSON said, he held in his hand the report of the Special Committee appointed by the National Assembly of France, which had been alluded to by the hon. and learned Member for Newcastle-on-Tyne, whose name was on the back of the Bill, and which had been put into his hands since he came to the House. He had read that report with as much attention as the time admitted, and particularly the extracts from the *Code Napoleon* attached to it; and in all these he found no mention of corporal punishment. It was matter of grief to him, that when corporal punishment was quitting its hold of the Army, it should be found migrating into the civil service. He verily believed Napoleon would have had no more idea of subjecting a young Frenchman, however erring, to such a discipline, than of directing him to be fitted for service in the Seraglio. He saw hon. Gentlemen acknowledged the force of the analogy; and the truth was, that in corporal inflictions of one kind as of the other, there was so much of the degrading and the repulsive as to cause civilised nations to be anxious to eject them from their codes. He believed if hon. Gentlemen succeeded in establishing this kind of law, they would be likely to give rise to some of the prettiest *novelettes* ever issued from the unstamped press. No more favourable subject could be invented, than that of a well-meaning but high-spirited peasant, obnoxious it might be to some of the wealthy in his neighbourhood for part taken in politics or otherwise, receiving his child home, suffering under the infliction of law like this. Wat Tyler rose upon an insult to his child; and he remembered a good and brave man, a captain in His Majesty's Guards, saying that Wat Tyler was our earliest English reformer. And so he was, after a very rough sort. He had hoped the time was gone by, either for Wat Tylers or for temptation to follow him. But if a principle of law like this was persisted in, there would be an end of that union between the peasantry and aristocracy which now existed with so much benefit to both.

Mr. TRELAWNY supported the principle, but not the details, of the Bill.

Mr. M. MILNES said, it was his intention to withdraw the Bill.

Question, "That the word 'now' stand part of the Question," put, and negatived.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for six months.

AFFIRMATION BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Mr. W. P. WOOD said, that, in moving that the Speaker should leave the chair, in order that the House might go into Committee on the Bill, he should act upon the understanding to which the House had come upon the second reading, namely, that the discussion was to be taken upon the question of going into Committee. He should therefore state, as briefly as possible, the grounds upon which the measure was founded. As the law stood at present, Quakers, Moravians, and persons called Separatists—of whom, by the way, he had never been able to discover one single congregation or member, although he had made very minute inquiries after them—were exempted from the necessity of taking an oath. And not only those, but, by the 1st and 2nd Vict., c. 77, every person who had ever been either a Quaker, a Moravian, or a Separatist, was likewise exempted, and merely obliged to make formal affirmation of the truth of what he was about to state. But there was a large party of religiously disposed persons belonging to the Church of England and other persuasions, who felt themselves compelled by what he believed to be an erroneous, but which they believed to be the true, interpretation of Scripture, not to invoke the name of the Deity upon any account whatsoever. He would beg to call attention to a few of the cases of hardship to individuals arising out of those conscientious scruples. There was an individual named Hoffstadt who had been imprisoned four years and a half, in consequence of his conscientious objection to being sworn. He was a bankrupt, and the law at that time required the last examination of a bankrupt to be taken upon oath. His case was so hard, and his character so excellent, that a good deal of sympathy was excited in his favour. At length a noble Lord in the other House took it up and obtained an Act, the effect of which was general, but it was really intended to apply to his case. By that Act the necessity of the oath was removed from the last examination, and the man obtained his release, but not until he had been four years and a half in prison. There was another case, in which a man named Harwood appeared to prosecute a man named Hetherington at the Old Bailey, in the year 1842. The prosecutor refused to be sworn, he having conscientious scruples, and the consequence was that the thief was suffered to escape, and the prosecutor was sent to prison. In another instance a man was called upon to prove a case of furious driving against a cabman, and, upon refusing to be sworn, he was committed for ten days to gaol, although if the cabman had been convicted, it was very probable he would not have been condemned to so severe a punishment. Then there was the case of Miss Watson, whose petition he had presented that day. It had occurred only last year upon the Western Circuit. She was committed to prison for refusing to take an oath, and the culprit might have escaped, but that there was luckily other testimony upon which she was convicted. But there was one very grave case this year, in which, had murder been committed, the murderer would have absolutely escaped, as there would then have been no evidence whatsoever against him. It was that of an Independent minister who was taking a walk with his daughter, a child of about 14 years of age, whom he left for a few minutes upon the road. A Lascar rushed upon the child from behind the hedge, and attempted to violate her. Her father came up in time to rescue her; but, upon the prosecution of the Lascar, the father declined to take an oath, and had it not been for the discretion of the learned Judge who tried the case at the Old Bailey, he would have been committed, and the prisoner discharged. But the Judge desired the father to stand down, until he could see what other evidence could be produced, and the child's being sufficient to obtain the conviction of the prisoner, the father's was dispensed with. But, had the child been killed by the prisoner, there would have been no evidence against him. These were instances of public grievance. But there were many cases of private suffering arising out of transactions in the civil courts. In one case, a lady was called upon by both parties to an action to give her evidence. She declined to be sworn, and in order to save her from the consequences and to have the benefit of her testimony, both sides agreed to leave the matter to arbitration, on condition that she should pay the costs of both. She consented, and the costs came to between two and three years' amount of her income. So that for nearly three years she had no income, and was obliged to live upon her friends. He could multiply such instances, but these were sufficient to show that there was ground for the measure which he proposed. It should be observed that there was not one single instance of a prosecution for perjury having been instituted against a person examined upon affirmation; so that it was monstrous to say that any detriment to religion could be inflicted by the extension of its operation. In the present Bill he had divided the classes of persons who should be permitted to make affirmation in courts of justice, from those who should be permitted to give affirmation instead of oath upon accepting offices. Upon the former occasion he had been supported in the division which took place by fourteen hon. Members belonging to the legal profession out of the seventeen who voted. He trusted that the present Bill would be found still better entitled to their support. The former Bill, too, had received the approbation of the late and of the present Lord Chief Justice of the Queen's Bench in the other House. The only objection urged against it by the hon. and learned Recorder of London was, that persons of bad character often made statements when put upon their oaths that were widely different from those which they made when they were unsworn. But at present, persons who had so little conscience might avoid taking an oath by merely saying that they had formerly been Quakers, or Moravians, or Separatists; and therefore it was only for the religious that they would be really providing, seeing that the irreligious had nothing to bind them at present. Besides, the Bill would leave the question as to whether those persons who tendered only their affirmation should be examined or not to the discretion of the judge. The Bill was to extend to the colonies, and he would state one more set of cases which had occurred at Honduras. His informant was an Independent minister, who had been imprisoned six weeks for refusing to be sworn, and he stated that seven or eight other persons had been fined from *20l.* to *30l.* or *40l.* for having the same conscientious scruple. For these reasons he called upon the House to give its sanction to a measure which would but extend the privileges which they had already conferred upon a small number of religionists.

Mr. GOULBURN had heard nothing to induce him to alter his opinion upon this matter. If it was so absurd, as had been stated, to have allotted to such an insignificant sect as the Separatists, or those who had been Moravians, the privilege of being heard in courts of justice without an oath, that law might be reformed, but it was a bad argument to say that it was necessarily to be extended. The hon. and learned Gentleman acted upon the notion that truth was to be insured by the fear of a penalty for false evidence rather than by the consciousness of an appeal to the Supreme Being. Now, this was both theoretically and practically false. All men had an instinctive dread of offending God, though they might brave the punishment of man. But, allowance to conscientious objection might go much further. A man might say, as some do say, that he had a conscientious objection to giving testimony at all against his brother man: was this man to be relieved of the duty? It appeared to him that when a man came into a court of justice, and said he was not willing to be sworn, it amounted to declaring that he would not execute that branch of the public service which, according to the law of the land, properly devolved upon him; it amounted to neglecting those duties which he was fairly bound to perform. The hon. and learned Gentleman opposite had stated the particulars of four cases; in only two of those cases, however, had the course of justice been interrupted. But how did his Bill provide a remedy for the evils of which in his speech he complained? Of his Bill it might truly be said that it left out the remedy. The hon. and learned Gentleman proposed that men should be sworn or not at the option of the Judge? Surely no person could seriously contend that the work of legislation ought to be confided to the Judges. Let them suppose a prisoner placed at the bar—let them suppose also that all the witnesses brought against him required to be heard on their affirmation. Let it be assumed that the witnesses for the prosecution declared their unwillingness to take an oath—was the Judge in all such cases to institute a preliminary inquiry as to the nature of the scruples entertained by the witnesses? If upon some special ground they were to admit that the scruples of any given individual were to be acknowledged as valid, and that his affirmation was to be received, were they then to institute an inquiry as to whether or not that man was a person to be believed upon his word when all the other witnesses in the case deposed upon oath? But after these witnesses had given their testimony upon affirmation, there would come the witnesses for the prisoners, all of them giving their evidence upon oath; the counsel for the accused would naturally contrast the one with the other, and take a very excusable advantage of the fact that his client's witnesses were sworn, and those against him were not. The prisoner's counsel would tell the jury that his witnesses alone spoke the truth, and that not a word which came from those on the other side was to be believed. As to giving a Judge the power of dealing with the question whether an affirmation might be substituted for an oath, he thought they ought to be careful not to embarrass the Judges by assigning to them any such heavy responsibility; and, looking at the Bill as a whole, he must be allowed to say that he feared its principles would not further the interests of the country or the interests of justice. In recommending this Bill to the House, it could not have escaped notice that the hon. and learned Member had called in to his aid the idea of a persecution, involved, as he imagined, in the necessity of taking an oath, instead of making a declaration. Surely there would be no fairness in designating as persecution the law which required Quakers who declined to enter the militia, to find a substitute. Quakers were, in such cases, obliged to pay a pecuniary fine; but who ever thought of calling that a persecution? The cases were analogous. When there was a public duty to be performed, and men objected to perform it, there was certainly no persecution in their being put to inconvenience on account of that refusal. Society could not go on if no penalty attached to the non-performance of public duties. The hon. and learned Gentleman had told the House, that upon the former division, he had had the support of fourteen lawyers. Now, he (Mr. Goulburn) entertained for the profession of the law a very high respect; but he would take the liberty of saying, that practical lawyers were not the persons best qualified to pronounce judgment upon such a question. He did not feel as much reliance upon their opinions in such a case as upon the opinions of experienced magistrates; and he believed that the great majority of the magistrates in that House would be found to have voted against the measure of the hon. and learned Gentleman. As far as experience went, he should say that his experience fully confirmed his belief that, unless they continued to insist on the taking of oaths, the ends of justice would be frustrated. He had often observed, when statements were made verbally, that they were, for the most part, loose and unguarded; but that when an oath was proposed, witnesses refused to swear to statements which they had very confidently uttered. Every man had a dislike to taking an oath—every man wished to avoid placing that strict restraint upon his language which a solemn adjuration imposed. If the House passed the Bill, any person who wished to avoid giving his testimony on oath could easily evade a duty which few men willingly undertook; and as for the enforcement of true testimony by the dread of a conviction for perjury, every one knew how extremely difficult such convictions were even in the least doubtful case. Then, as juries, would they allow men to go into the jury-box without being sworn, there to decide upon the lives, the liberties, the property of their fellow-men? Upon all these grounds, then, he should oppose the measure; and he now begged to move "that the Bill be committed that day six months."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee:" instead thereof.

MR. COCKBURN fully concurred with his hon. and learned Friend the Member for the city of Oxford as to the importance of the subject, and the great influence which an oath had in the administration of justice. It was a safeguard of the highest value, but yet he thought it desirable that some such measure as the present Bill should be introduced; for the necessity imposed upon witnesses of taking oaths rendered it often extremely difficult to obtain evidence. If it were possible in all cases to know who the proper witnessess were, to bring them all into court to compel them to swear to the truth of their statements, then the ends of justice would be greatly advanced. But now some of the best and most trustworthy witnesses who came before courts of justice were persons whom nothing would induce to take an oath. The law at present accepted the affirmation of a Quaker, a Moravian, or a Separatist, but an Independent must be sworn. Now there were some Independents, and there were many other classes of our fellow-subjects who objected to taking an oath, and from the benefit of their testimony the community of this country was excluded. He wished to discover any intelligible principle upon which any class of religionists should be excluded from advantages which the Quakers, the Moravians, and the Separatists enjoyed. Was the right hon. Gentleman the Member for the University of Cambridge prepared to repeal the exemption from taking oaths at present enjoyed by certain privileged sects? He believed that the Legislature would never sanction such a proposal—shutting out, as it would, a large mass of testimony, without which the proceedings of courts of justice could not be carried on. It might be very well to talk of the duties that men owed to society; but if a witness believed that the duty which he owed to God was inconsistent with the taking of an oath, it would be most oppressive for any Legislature to endeavour to coerce him. He believed it generally happened that those who were the most scrupulous about taking an oath, were the persons most cautious and conscientious in giving their testimony. Society thus lost a great protection in disregarding the scruples of such men. He felt the force of all that the right hon. Gentleman the Member for the University of Cambridge had said as to the care that ought to be taken in securing courts of justice from being imposed upon by persons who wished to avoid swearing; and every Member who had experience of such things would call to mind the confidence and air of great satisfaction with which statements not on oath were sometimes made, and that when those who made them were called upon to swear to their statements, they immediately became subdued and cowed; but still he thought that with the provisions which the Bill made, the administration of justice might have the aid of evidence from men who scrupled to take an oath. At the same time he fully admitted that the exemption from taking an oath should be confined as nearly as possible to persons whose scruples were grave and real. He did not think that the mere declaration of a witness respecting his own scruples should be admitted, but that the Judges should take every opportunity of examining such witnesses and ascertaining the real cause of those objections to taking an oath. As to the Bill before them, he thought that the public interest required such a measure, and he should support it.

MR. NEWDEGATE observed, that the effect of the measure would be to introduce two kinds of evidence—one upon oath and one upon affirmation—the effect of which would be most inconvenient. If men dissented from the doctrines of the Church, let their opinions be known. If they resisted the law, let it not on that account be presumed that the law was in the wrong. He objected to the Bill on many grounds, and upon this amongst others, that it proceeded upon an assumption that men might be exempted from taking oaths without their coming under the head of any particular religious denomination, and be able to evade the law by merely stating that they objected to taking an oath. He never had heard a weaker case than that made on behalf of the Bill; and, as there were strong doubts with respect to the expediency of the measure, he did think that the benefit of those doubts ought to be given to the existing state of the law.

Sir E. BUXTON said, that as the exemption extended to Quakers, Moravians, and Separatists, it would be unjust not to give the benefit of that exemption to the Independents.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 129; Noes 148: Majority 19.

List of the Ayes.

Adair, H. E.
Alcock, T.
Anderson, A.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Bass, M. T.
Bellew, R. M.
Bernal, R.
Blake, M. J.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Brown, W.
Busfeild, W.
Buxton, Sir E. N.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Collins, W.
Crawford, W. S.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
D'Eyncourt, rt. hn. C. T.
Duncan, G.
Ellice, rt. hon. E.
Ellis, J.
Elliot, hon. J. E.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Fordyce, A. D.
Forster, M.
Fox, W. J.
Gibson, rt. hon. T. M.
Glyn, G. C.
Grace, O. D. J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hobhouse, T. B.
Hodges, T. T.
Howard, hon. C. W. G.
Howard, P. H.
Kershaw, J.
Langston, J. H.
Lascelles, hon. W. S.
Lennard, T. B.
Lewis, G. C.
M'Gregor, J.
M'Taggart, Sir J.
Marshall, J. G.
Marshall, W.
Masterman, J.
Matheson, Col.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Nugent, Lord
O'Flaherty, A.
Ogle, S. C. H.
Osborne, R.
Oswald, A.
Pechell, Sir G. B.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, Dr.
Price, Sir. R.
Pusey, P.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Russell, hon. E. S.
Rutherfurd, A.
Scrope, G. P.
Seymour, Lord
Shafto, R. D.
Simeon, J.
Slaney, R. A.
Smith, M. T.
Smith, J. B.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Townley, R. G.
Trelawny, J. S.
Verney, Sir H.
Vivian, J. H.
Wall, C. B.
Watkins, Col. L.
Wawn, J. T.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wyvill, M.
Young, Sir J.

TELLERS.

Wood, W. P.
Bouverie, E. P.

List of the Noes.

Acland, Sir T. D.
Alexander, N.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Baillie, H. J.
Baldock, E. H.
Bateson, T.
Bennet, P.
Beresford, W.
Berkeley, hon. H. F.
Bernard, Visct.
Blackstone, W. S.
Blair, S.
Booth, Sir R. G.
Bremridge, R.
Bromley, R.
Brooke, Sir A. B.
Buck, L. W.
Buller, Sir J. Y.
Carew, W. H. P.
Chichester, Lord J. L.
Cholmeley, Sir M.
Christopher, R. A.
Clive, hon. R. H.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cubitt, W.
Deedes, W.
Denison, E.
Dod, J. W.
Dodd, G.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, W. T.
Estcourt, J. B. B.
Evelyn, W. J.
Farnham, E. B.
Fellowes, E.
Fitzroy, hon. H.
Forbes, W.
Forester, hon. G. C. W.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Gore, W. R. O.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Grogan, E.
Guest, Sir J.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, Lord C.
Harris, hon. Capt.
Hayes, Sir E.
Henley, J. W.
Herbert, rt. hon. S.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Hotham, Lord
Houldsworth, T.
Hudson, G.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knox, Col.
Lacy, H. C.
Lascelles, hon. E.
Legh, G. C.
Lennox, Lord A. G.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Morgan, O.
Mundy, W.
Naas, Lord
Newport, Visct.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Patten, J. W.
Peel, Col.
Peel, F.
Pennant, hon. Col.

Perfect, R.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Powell, Col.
Prime, R.
Richards, R.
Seymer, H. K.
Sibthorp, Col.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Tollemache, J.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R. H.
Waddington, H. S.
Walsh, Sir J. B.
Walter, J.
West, F. R.

TELLERS.
Goulburn, H.
Newdegate, C. N.

Words added. Main Question, as amended, put, and agreed to.

Bill put off for six months.

SMALL TENEMENTS RATING BILL.

House in Committee.

Mr. W. PATTEN said, that a clause now proposed to be added to the Bill only allowed the owners of these small tenements a reduction of one-tenth on the rates, and, considering the losses to which they were liable, he thought that a larger allowance ought to be made than one-tenth. It was right that the owners of small tenements under 6*l.* should pay the rates, but he would move that the allowance be one-fourth instead of one-tenth.

Amendment agreed to.

Mr. P. SCROPE said, that the latter part of the clause gave the owner of small tenements the power of compounding with the overseers for all his tenements during the space of one year, whether they were occupied or not, and gave him an allowance of one-third. He moved, that the allowance be one-half instead of one-third.

Mr. E. B. DENISON thought this too great an allowance. The House had consented to increase the allowance in the first part of the clause from one-tenth to one-fourth, and now it was proposed to increase the allowance in the cases provided in the latter part of the clause from one-third to one-half. The rates would be frittered away to nothing if the House agreed to these Amendments.

Mr. HALSEY thought it would be better to take off one-half from the rate in these cases, as the House had agreed to a reduction of one-fourth in the other cases.

Mr. ROBERT PALMER said, there were great objections on the part of owners of cottage property to the present Bill. If the owner of 50 or 100 cottages agreed to compound with the overseers under the latter part of this clause, he would have to pay the poor and highway rates upon his tenements, whether they were occupied or not. He did not think that an allowance of one-half was too much, under the circumstances, considering that the owner ran the risk of the cottages being unoccupied, during which period no rates were at present payable.

Mr. W. MILES thought the House ought to make a greater reduction in cases where the owner compounded and agreed to pay the rates, whether the tenements were occupied or not, than in the former class of cases, where the overseers ran the risk of the houses being unoccupied, and of receiving no rates from them. A great amount of poor-rate was not received at present in respect of these small tenements, and the ratepayers would be gainers by allowing even one-half to owners who were willing to compound.

Mr. W. PATTEN had some doubts whether the allowance now proposed to be given was not too much, and thought it ought to be left optional with the overseers and owners to agree upon the terms. If the House made the allowance of one-half compulsory, he doubted whether an undue advantage would not be gained by the owners of this description of property.

Mr. BAINES had consulted fifteen or sixteen of the local Acts passed upon this subject, and found that they varied considerably as to the amount of reduction in the rate. The best rule was that given in Mr. Sturges Bourne's Act, the principle of which the present Bill extended and carried out. Mr. Sturges Bourne's Act allowed owners of property to be rated where the value of the tenement was between 20*l.* and 6*l.*; and the hon. Member for Hertfordshire proposed, by the present Bill, to take away this mimimum of 6*l.* and to extend the rating of owners to all tenements below 6*l.* Mr. Sturges Bourne's Act empowered the parish to make "a reasonable reduction not exceeding one-half the rate in any case." He should recommend the House to fix one-half as the maximum allowance that ought to be made, and to leave the overseers and the owners at liberty to compound upon such terms as might appear reasonable within this margin, according to the circumstances of each case.

Mr. E. B. DENISON had no objection to the clause, if both parties were left to agree upon the terms.

Clause, as amended, agreed to.

House resumed.

Bill to be read 3° on Wednesday 15th May.

The House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 25, 1850.

MINUTES.] PUBLIC BILLS.—1ª Leasehold Tenure of Land (Ireland) Act Amendment.

PORTLAND HARBOUR AND BREAKWATER.

LORD PORTMAN said, he had a petition to which he wished to call the attention of his noble Friend the Lord Privy Seal, for if the allegations contained in it were true, it was a matter of considerable importance. The petitioner called the attention of the House to the Government works which were being carried on at the isle of Portland for the formation of a breakwater and a harbour of refuge. These public works would involve a large expenditure of the public money, so that the utmost care should be taken that they were carried out in a proper manner. The petitioner complained that the extent of the breakwater was not sufficient for the protection of shipping from the easterly winds, and also that the proposed defences of the harbour were not sufficient for the protection of ships in it against the attacks of an enemy.

The EARL of MINTO would not give any opinion as to the statements contained in the petition, but he would take care that it should be submitted to the consideration of the proper authorities.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 25, 1850.

MINUTES.] PUBLIC BILLS. — 1° Naval Prize Balance; Friendly Societies; Fees (Court of Chancery).

2° Securities for Advances (Ireland); Naval Prize Balance.

Reported.—Australian Colonies Government; Naval Prize Balance.

NEW HOUSES OF PARLIAMENT.

LORD H. VANE begged to ask the hon. Member for Lancaster, whether it was true that any extensive alterations were to be made in the structure and arrangement of the New House of Commons? He understood that it had lately been discovered that there would not be sufficient accommodation for the Members of the House, and that the erection of a gallery had been necessitated—this gallery being placed in such a position as utterly to spoil the appearance and symmetry of the House. He wished to know by whose authority these alterations were being conducted—whether that authority was a due and sufficient one, and whether the arrangements being made were to be temporary or permanent?

MR. GREENE replied that it had been discovered that the arrangement of the seats in six rows, on either side of the House, as originally intended, would not afford the necessary degree of accommodation to hon. Members. It had been thought necessary under these circumstances to reduce the number of benches on either side of the House to five; but, as the number of Members thereby accommodated would necessarily be reduced in the same proportion, it was determined that the large gallery at the end of the House should be appropriated to hon. Members, by which means a greater number would be accommodated than in the present House. An order had been given to that effect, and it was deemed desirable that temporary fittings-up should be arranged, rather than that the House should at once be placed upon a permanent footing, with permanent fittings, which, in case of their not being approved of, it would be a matter of great difficulty and expense to remove. The Commissioners had, therefore, directed the preparation of the temporary fittings, with the view of enabling hon. Members to occupy the New House for some few days during the present Session, and to judge of its convenience and fitness. The House would thus have an opportunity of deciding whether the chamber was suitable or not. If it came to the former decision, the temporary fittings could easily be made permanent; if it came to the latter, they could be speedily and cheaply removed.

LORD H. VANE wished to know whether there had been an estimate framed of the expenses to be thus incurred, and if so, whether the architect would be bound by it?

MR. GREENE: The estimate for the temporary fittings-up—an estimate within which the architect was bound to keep—did not exceed 500*l.*

MR. HUME: Were Government prepared to charge a percentage upon the architect for all his blunders?

The CHANCELLOR OF THE EXCHEQUER said, that the sum voted had hitherto not been exceeded.

Mr. HUME hoped that no more money would be paid until all previous blunders had been corrected.

Mr. GOULBURN expressed a hope that when hon. Gentlemen asked questions upon this subject, they would not use terms the employment of which was not justified by the facts.

Subject dropped.

AUSTRALIAN COLONIES GOVERNMENT BILL.

The House went into Committee on this Bill.

Clause 17.

Mr. ROEBUCK said, he objected to the clause altogether; but if he could not succeed in expunging it, he should endeavour to improve it as much as possible. The Act contemplated the saving of expense; but the proviso to this clause declared that if a saving were effected, it should not be at the disposal of the colony, but should be applied to such purposes as to Her Majesty might seem fit. He moved the omission of this part of the proviso.

Lord J. RUSSELL saw some reason in the hon. and learned Member's proposition. He was willing that the words should be struck out, reserving to himself the right of reinserting them in the report, if he felt called upon on further consideration to do so.

Mr. ROEBUCK objected next to the schedule of salaries attached to the Bill. The salary of the Governor of Van Diemen's Land, 5,000*l.* a year, was greater than that of the Governor of the State of New York. The whole schedule was 73,000*l.* a year, to oppose which his only course was to propose that the entire clause be omitted.

Lord J. RUSSELL said, that the Bill had been framed in accordance with the report of the Privy Council, which laid it down that salaries of colonial governors or judges should not be made the subject of an annual vote in the colonial legislature. This was in accordance with the practice of this country, where the salaries of Judges were placed beyond the control of the House of Commons. The possibility of differences of opinion between the governors and their parliaments rendered it inexpedient that their salaries should be made subjects of annual discussion. With respect to the amount, he did not think 5,000*l.* a year too much for the Governor of Van Diemen's Land. He must, therefore, oppose the Motion.

Mr. ROEBUCK thought the Governor's salary should be paid by England.

Sir W. MOLESWORTH supported the Amendment. He did not think 5,000*l.* too much for the Governor, but he looked upon him as an Imperial officer, to be paid out of the Imperial treasury.

Clause agreed to, as were Clauses 18 to 28 inclusive.

Clause 29.

Mr. J. E. DENISON said, that the boundary question had a very important bearing on the question of transportation. The noble Lord at the head of the Colonial Department had told the people of New South Wales that if their legislature should be indisposed to receive any more convicts, no more should be sent. Now, at present, the boundaries of New South Wales to the north were entirely undefined and unlimited; and, unless some limits were assigned, the legislature might at some future time object to allow any district to the north to be set apart for the reception of convicts. He was aware that powers were given to the Crown by this Bill to alter the boundaries by means of an Order in Council; but the people might say that they understood the promise of the noble Lord to be that no convicts were to be sent to any place within their present boundaries. He thought it therefore important that the boundaries of New South Wales should be settled before such an extensive power was delegated to the legislature.

Lord J. RUSSELL said, that his hon. Friend was quite correct in stating that the boundaries of New South Wales to the north were, at present, undefined; and also that Earl Grey had informed the Governor of New South Wales that, if the legislature should object to convicts being sent to the colony, they should not, in future, be sent. But in this Bill power was expressly taken to detach certain territories from New South Wales, and erect them into a separate colony or colonies, to a greater extent than could be done by the former Act, viz.—from the 26th to the 30th degree of south latitude. The Crown would thus have power, if necessary, to detach Moreton Bay, and erect it into a separate colony, if they thought proper, and Moreton Bay would thus be ready to receive convicts, although the Legislature of New South Wales should be averse to receive them. No determination, however, had yet been come to to advise Her Majesty to pass such an Order in Council; but the Bill gave the Government power to advise Her Majesty to interfere whenever they might think it expedient to do so, and would, of course, be guided by circumstances with regard to the exercise of that power.

Clause agreed to.

Clause 30.

Mr. V. SMITH said, that this and the following clauses introduced the novel principle of a federal assembly, which it had been found impossible to effect in other colonies, and which would fail in this instance from the distance at which the settlements were from each other, if from no other cause. Every governor had expressed an opinion adverse to a federal assembly, which had also been condemned as unconstitutional by the meeting on which the noble Lord at the head of the Government had laid so much stress the other night. It might be said that the legislative council need not adopt it unless they pleased; but how did that argument tally with the arguments of the Government upon other parts of the Bill? It was said, for instance, that the colonies were perfectly satisfied with their present constitution of a single chamber, and that therefore it was inexpedient to thrust a double chamber upon them. But could it be said that the colonists were in favour of the federative assembly? On the contrary, did it not appear from all the information before the House that they held it in perfect contempt? The noble Lord the Secretary of State for the Colonies had also given it as his opinion that for a long time such an assembly would be wholly inoperative. Why, then, encumber the Bill with such a clause? Upon the subject of the admission of leaseholders to the franchise—those who came under the denomination of squatters, it appeared by a despatch received that day, that there was an opinion in the colony that they should be represented by four members; and the Governor of the colony stated that, in his opinion, there would not be a fair representation, unless these parties were represented. Under these circumstances, he wished to know what course the Government had decided upon on this subject?

Lord J. RUSSELL said, that with regard to the first point, the general assembly as proposed by the Bill, though it was true there had been an expression of opinion against it in the colony, those who objected had not taken into account the facts that no colony could be included in the federal assembly unless by their own choice, nor unless two of the colonies proposed it would such an assembly be formed. And, though it might not be called for at the present moment, in two or three years hence it was probable that there might be a desire to form such a body, and then it might be inconvenient to come to Parliament for the necessary powers which they might now give without any inconvenience. There were many questions which could scarcely be left to each colony to decide for itself—as in the case of customs duties. If the Legislature of New South Wales were to say, we will impose a duty on spirits of 10*s.* a gallon, and the Legislature of Victoria were to impose on the same article a duty of 6*d.* a gallon only, all the importation of spirits would be at Victoria, while a large smuggling trade would be carried on across the border. On this question, then, on that of a supreme court, and on the subject of lighthouses, such a body would be useful in establishing some common system. With regard to the squatting interest, though he by no means meant to say that it ought not to be represented at some future time, he did not think it advisable to introduce any provision on the subject into this Bill. If the boundaries of New South Wales were permanently fixed, it might be proper to say that all persons residing within such boundaries should have the power of sending members to the legislative council; but while the boundaries remained undefined to the north, it might lead to much difficulty should it be deemed advisable to separate that district into another colony if these persons were admitted.

Mr. J. E. DENISON said, suppose under the provisions of the Bill, New South Wales and Victoria were to form a federative assembly, the former colony sending twelve members and the latter four, why, New South Wales would be in a position to appropriate all the duties collected in the ports of Victoria to its own purposes. It was not likely that under such a liability a smaller State would ever voluntarily enter into a federative union with a larger.

Mr. ROEBUCK said, the principle of the proposed assembly was not similar to that existing in the United States of America, where every State, no matter what population it might have, had an equal number of representatives in the senate. In this Bill, on the contrary, the larger States would over-ride the smaller ones. They had to legislate for the future, and he wished them to repudiate altogether the sneering that was so often heard at the idea of a great confederation of States in that part of the world. He believed that such a result was certain to take place, and that they ought to act now under the conviction that these colonies would be united hereafter in a great confederation of States, having the same language, the same institutions, and the same motives for mutual peace.

Mr. DISRAELI said, he was not one of those who sneered at the future prospects of these colonies. On the contrary, he had stated the other night that if there was any question on which they might anticipate the future, it was in legislating for the colonies. It was clear that in a federative assembly in these colonies they should proceed on the same principle of economy which was acted upon in diplomatic intercourse between independent States, at least in former times, when their power was never measured according to population or revenue. Wishing to support the Government in the object which they professed to have in view, of treating the colonies with equality, he felt bound to oppose the clauses as they were now drawn, as he believed they were calculated to defeat the object which the noble Lord at the head of the Government professed to have in view. He believed the noble Lord would never see federation existing in the colonies, if inequality, and not equality, were to be the basis of their legislation.

Lord J. RUSSELL said, it was very true, as the hon. and learned Gentleman the Member for Sheffield had remarked, that the United States had got over the difficulty which they had to meet by adopting the principle of equality in the Senate, and of representation according to population in the House of Assembly. In the clause before the Committee, they adopted the principle of equality, by giving each colony a right to send two members to the General Assembly, while they consulted the right of representation according to population, by giving one additional member to each colony for every 15,000 inhabitants possessed by it. It should be recollected that the General Assembly could not include any particular colony without the consent of the colony itself, and therefore much of the objection urged could not apply. He certainly should wish to see the clauses passed as they stood; but, at the same time, the Government would take the objection that had been urged into consideration before bringing up the report, so as to see whether the provisions might not be improved.

Mr. ROEBUCK said, that the ground of opposition to the second chamber, was the difficulty of finding suitable materials; but by providing that each colony should send two members to the General Assembly, that difficulty seemed to be overcome.

Sir. W. MOLESWORTH said, if they wished to lay the foundation of a great federal republic in Australia, to be independent of this country, as were the United States of America, then the plan recommended by the hon. and learned Gentleman the Member for Sheffield ought to be adopted. He did not see how a federative assembly could be admitted at all, unless the intention was to separate these colonies from the mother country. It appeared to him that the monarchy of Great Britain was the true federative assembly that should be contemplated, at all events, for a long time to come, by these colonies. All the questions that were proposed to be referred to the General Assembly could be settled by mutual arrangement between the colonies, without any such authority; whereas if they appointed a general assembly, and gave them only a few matters to devote their attention to, they would be sure to begin encroaching on the Imperial power; and as to the questions proposed to be settled by a federative assembly, they could just as well be settled without one. On these grounds he should oppose the adoption of the clause.

Mr. LABOUCHERE entirely differed from the hon. Baronet who had just sat down, as he was of opinion that so far from leading to a separation from the mother country, the establishment of a general assembly would have the very opposite effect. If the colonies saw that they had an interest in meeting together for particular purposes, they ought to be invited to do so legally, instead of being left to illegal means to effect that object. The power was to be only permissive after all, and he believed that by adopting the clause they would be strengthening and not weakening the connexion with this country.

Mr. DISRAELI said, the noble Lord had admitted that there was no great necessity for this general assembly at present, though the necessity might arise hereafter; while the right hon. Gentleman who had just sat down seemed to think that it was a very delicate and difficult matter. As the Government evidently had not their minds made up on the question, he thought the wisest course would be to withdraw these clauses altogether.

Mr. ROEBUCK hoped the noble Lord would not take any such course. He would take, for instance, the case of an intended railway from the colony of Victoria to Sydney; and without a general assembly, where would be the means of carrying such a project into effect?

Mr. ADDERLEY said, the hon. and learned Member for Sheffield at one moment advocated the necessity of independent colonial legislation, and at the next of imperial legislation, to be extended even to such matters as colonial railways. The hon. and learned Gentleman always argued the case of the Australian colonies on the analogy of America; but he should like to hear from the hon. and learned Gentleman whether he knew of any analogy in the history of the United States to such a measure as that now before the House? What would have been said if, in the reign of William III. for instance, when all the colonies were independent of each other, a Bill were introduced into Parliament authorising any two of them to form a congress, which the whole of the other colonies should acquiesce in? [Mr. Labouchere said, the Bill empowered only the colonies acquiescing to elect the general assembly.] He believed the first suggestion of a congress was made to the American colonies from this country, to provide against the attacks of the Indians; and the reply sent over was, that the independent and spirited inhabitants of these colonies were not likely to accept any suggestion of the kind sent them from the mother country. Therefore, the only analogy to be drawn from the history of the United States was directly against this Bill. He believed the Government could induce a majority of the House to vote that black was white if they wished, and he had therefore not much hope of the decision of the Government being modified in the present low state of feeling with regard to colonial matters. It was, however, he was happy to think, not the lowest state of feeling which had been known on this subject. The hon. Member the Under Secretary for the Colonies had truly stated the other night that the Bill of 1842 had passed through Parliament without any expression of disapprobation; but he might with equal truth have also stated that it passed without any expression of approbation. He was proud to think, however, that during the last eight years a different feeling had sprung up, and was rapidly extending, and that during that period many important discussions had taken place in Parliament on the subject of the colonies. He wished to know what the object of these clauses was? They would evidently materially increase the colonial difficulty; but what good would they effect? Who had asked for them, or by what party were they not condemned? This general assembly was condemned by the colonial governors, by the colonists themselves, by the Government, and, in fact, by every interest under Heaven. All the rest of the Bill was defended on the ground that the colonies had asked for it; but this part was defended because the colonies had not asked for it, though they possibly might ask for it some day or other. Two colonies might ask for this power, and they were then to have a general assembly; but supposing the other three colonies to ask for another general assembly, were they to have two general assemblies sitting at the same time? He believed, however, that none of the colonies would ask for such an institution except New South Wales, which would no doubt be glad to get handed over to her for ever the destinies of four neighbouring States, just as England would be scarcely able to resist an offer of getting the destinies of all Europe placed in her hands. He could conceive no earthly object in this general assembly, and, with all due respect for Earl Grey, he thought it was the result of a mania in his mind for finishing off constitutions. Earl Grey appeared actually to have such a mania, which he was unable to resist, and after having failed so often in constitutions in single colonies, he now sought to unite five colonies all in one Bill. As the question would come fully before the House on bringing up the report, he should not at present enter at greater length into it.

Mr. ROEBUCK said, the hon. Gentleman fancied he had discovered a great blunder, but the blunder was on his own part. The hon. Gentleman supposed that two general assemblies might be formed under this clause; but, if he referred to the clause, he would find that the words "such general assembly," frequently recurring, meant the one general assembly to be established; and each separate legislature desiring to join that one assembly was to be permitted to do so.

Lord J. MANNERS observed, that if two of the colonies established a general assembly, the other three colonies, which might, for good and wighty reasons, decline to join that assembly, were debarred from forming another; and he, therefore, considered that the general assembly to be constituted under this Bill could not justly be styled the general assembly of Australia. He hoped the noble Lord would assent to the suggestion that had been made, that the consideration of the clause should be deferred.

Mr. ADDERLEY would put this question—Suppose that two colonies were to unite, and form a general assembly, and that afterwards the three remaining colonies were to resolve to unite among themselves and form another general assembly, who on earth was there to prevent them from doing so, under the clause of this Bill?

Lord J. RUSSELL thought the difficulty raised by the hon. Member for North Staffordshire could be easily solved. The application for a general assembly must be made to Her Majesty in Council, and if two of the colonies had united in forming a general assembly, and any of the other colonies desired a general assembly, the answer to their request would be—"If you wish to meet in general assembly you must join the assembly that at present exists." He must say, that he thought it would be very unwise to give up these clauses as they at present stood, for, by so doing, the Government would abandon the principle of a general assembly. The establishment of such an assembly seemed to have been assented to, if not by a majority of the House, at least by a majority of those hon. Members who had spoken on the subject. The proposition had been supported by the hon. and learned Member for Sheffield, and approved by the hon. Member for Buckinghamshire. He (Lord J. Russell) thought the only question for consideration was, whether the proposed proportion of two members for each colony, and one additional member for every 15,000 inhabitants of such colony, might or might not deter any colony from joining the general assembly, and whether it might not be advisable to have a greater latitude than was given by the clause. It might be very useful in certain cases, with respect especially to duties and customs, that the representatives of two neighbouring colonies should meet and agree that their duties and customs should be alike, and he considered it advisable that authority should be given them by Parliament so to meet. The hon. Member for North Staffordshire seemed to think, that because Parliament gave these powers, it acted in a compulsory manner; but all that Parliament did was to give the colonists a power to do of their own will what they would not otherwise be able to do.

Mr. ADDERLEY said, that as he understood the clause, the power was not merely permissive, but would be practically compulsory.

Sir W. MOLESWORTH said, he should oppose the clause, and would take the sense of the Committee on the question.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill.

The Committee divided:—Ayes 63; Noes 10: Majority 53.

House resumed.

Bill reported; as amended, to be considered on Friday, 3rd May.

SECURITIES FOR ADVANCES (IRELAND) BILL.

Order read, for resuming Adjourned Debate on Question [15th April], "That the Bill be now read a Second Time."

Question again proposed.

Debate resumed.

Lord NAAS said, that this could not be called a party question, and he expressed his regret that he had to oppose a measure promoted by the hon. and learned Gentleman the Solicitor General, to whom Irish Members were indebted for much consideration and readiness to attend to their opinions, and whose courtesy had enabled him to conduct so many important measures to a satisfactory conclusion. But this Bill was a step in a wrong direction. It professed to be to permit purchasers, under the Incumbered Estates Act of last year, to borrow to the extent of half the purchase money, securing the borrowed money by a certificate of charge on the lands. He had to object to the Bill, first, because it was a direct infringement on, and contradiction to, the principle the House was asked to support last year; secondly, because the Bill was not likely to effect the ends it was said that it would accomplish; and, thirdly, because it was unjust to the present proprietors of Ireland. As to the first point, the Act of last year was proposed for the purpose of freeing Irish property from encumbrances; and, if it had been thought there was any other intention, he, and many other Members, would have given it their determined opposition. Many Irish Members only supported it as an exceptional measure, warranted by the exigency of the case, and having but one object, namely, that of creating an unembarrased and independent proprietary. The hon. and learned Solicitor General, in introducing the Act on the 26th of April, 1849, said, the Government desired not only "to liberate the land of Ireland from incumbrances," but "to take advantage of its freed state to prevent its being again reduced to its former condition." The noble Lord the First Minister of the Crown, also, expressed himself to the same effect. The very able report on Chancery receivers, understood to be prepared by Mr. Napier, also pointed to "discouraging a system of incumbrance." But here was a Bill which would create incumbrances on the properties sold under the Incumbered Estates Act, and encourage that state of things of which we had had such sad experience. Next, as to the probable effect of the Bill, let the House note what would be the position of a purchaser at 100,000*l.* of an estate of 5,000*l.* a year, borrowing 50,000*l.* of the purchase money, and taking (say) twenty-five years to repay that sum. The first year's instalment of the 50,000*l.* would be 2,000*l.*; the year's interest would be 2,500*l.* at 5 per cent; a small percentage for agency charges, bailiffs' fees, &c., would bring the year's payments up to 4,875*l.*, leaving for the improvement of the property, and to meet the chance of defaulting tenants, &c., only 125*l.* Nor would the income in subsequent years increase by more than 100*l.* in each year. As to the idea of creating a vast number of small fee-simple peasant proprietors, it was perfectly utopian. The feeling of the country was against such a scheme. Its disadvantage would be perceived. The great mass of the people of Ireland were much too shrewd not to know that it would be more for their interest, as it undoubtedly would be eventually for the interest of the united kingdom, that they should live under landlords, than be themselves the proprietors in fee of small patches of land. Gentlemen of good estates, with some reserve of capital, or at least some credit, would participate with their tenants in the losses which times of depression might occasion. The peasantry of Ireland understood their own interest sufficiently well to see that they would place themselves in a situation by no means enviable, if they were to stake their all upon a small patch of land merely for the sake of being proprietors in fee, and were to have no such protection as the care or benevolence of a landlord to fall back on in times of distress and difficulty. It was said, in support of the present measure, that one of its effects would be to enhance the value of land in Ireland. It certainly might at first be productive of such an effect, but very soon one of its consequences would be to bring a great quantity of land into the market, which would otherwise never have been offered for sale; and in that manner the reduction of price would be more than compensated. If the proposed plan of certificates once came into operation, no money would be lent on any other species of security, and the money market would be at once closed against every class of borrowers who had not that kind of security to offer. The measure would drive the country into such a position as that no money could be borrowed on any other guarantee than that of estates sold under the Incumbered Estates Act. It was not, of course, his intention on the present occasion to vindicate the general conduct of the Irish landlords. That was a mode of proceeding not essential to the success of the argument which he proposed to lay before the House. But he should at least say, that the Irish landlords, whatever might be their deserts, did not deserve the treatment which they were about to receive from the authors of the Bill now before the House; and he professed himself unable to understand how it was that the Government seemed so willing to assist the new purchasers, to the total disregard of the old proprietors. Knowing the state of Ireland as the Government must be presumed to do, he wished to have it explained to him what possible advantage it would be to exchange one set of incumbered proprietors for another—so deeply incumbered that they would not be able to improve their estates, still less to cherish their tenants—so deeply incumbered that, at three months' notice, any one of them might be evicted? On the whole, he did not hesitate to say, that the measure which then engaged their attention was merely an attempt to prop up the Incumbered Estates Bill of last year, which had excited expectations that could never be realised. Upon a very moderate calculation it might be assumed that the effect of the Encumbered Estates Act would be to bring into the market land probably of the value of 14,000,000*l*. Now, he would ask, had the operation of that measure been so satisfactory as to induce the House to perpetuate and extend its action? It was well known to every one acquainted with the state of Ireland, that most extraordinary transactions had taken place in that country under the provisions of that Act. Estates, as might be seen from the *Times* newspaper of that morning, had been sold nominally for twenty years' purchase, which did not realise 8½ years' purchase upon rents offered in the year 1845. In some cases, perhaps, thirteen years' purchase might have been obtained; but, looking at the sales which had been effected recently, he would ask the House to say were they prepared to continue and foster such a measure as the Encumbered Estates Act by means of a Bill like the present? In the proceedings before the commissioners under the Encumbered Estates Act, it appeared that in those parts of the country where it was thought most desirable to introduce a new body of proprietors, the difficulty of obtaining purchasers was the greatest, and that fact seemed to present the most enormous objection to the working of the Bill. By the operation of this Act the tenants of the old proprietor were always liable, to him, or to his representatives, for the arrears owed by them at the period of sale: the new proprietors, therefore, could not dare to improve, lest the value of these improvements should be seized to satisfy the claims of the late proprietor. He had been informed, on the best authority, that such properties could not be sold unless the seller was prepared to go through the horrible task of ejecting every one of the tenantry for the purpose of bringing in a new race of men in their stead. Such a state of things was now actually in operation on the Connemara estate. He did not hesitate, then, to say, that he had never before—at least, in the history of this country—met with any parallel to the present scheme of the Government. It happened, however, that in a neighbouring country there had been something very similar to it. In the year 1790 the French Government of that day, pressed by want of money, came to the determination of confiscating the whole of the landed estates of the Church, they being of about the value of 16,000,000*l*., not much larger than the amount of Irish property now likely to be brought into the market; but a sufficiency of capital for making such purchases was not to be found. The land was then sold to purchasers who paid down half the values, and, concurrently with that operation, assignats were issued, just as certificates were now to be sent forth, and the stimulus of a vicious paper currency was given to the whole of those transactions. Now, that was ominously like the contemplated proceedings under the Bill at present before the House. He should not on this subject occupy the attention of the House with any prophecies of his own, but rather read to them the following passage from Mr. Burke's celebrated *Reflections upon the French Revolution*:—

> "In the course of all these operations at length comes out the grand arcanum—that in reality, and in a fair sense, the lands of the Church are not to be sold at all. By the late resolutions of the National Assembly, they are indeed to be delivered to the highest bidder; but it is to be observed that a certain portion only of the purchase-money is to be laid down. A period of twelve years is to be given for the payment of the rest. The philosophic purchasers are, therefore, on payment of a sort of fine, to be put instantly into possession of the estate. It becomes, in some respect, a sort of gift to them, to be held on the feudal tenure of zeal to the new establishment. This project is evidently to let in a body of purchasers without money. The consequence will be that those purchasers, or rather guarantees, will pay, not only from the rents as they accrue (which might as well be received by the State), but from the spoil of the material of buildings, from waste in woods, and from whatever money, by hands habituated to the gripings of usury, they can wring from the unhappy peasant."

He need scarcely remind the House how wonderfully those prophecies were realised. Now, looking to the present state of Ireland, he asked the House if they could anticipate any other result by selling these encumbered estates, and handing them over to men who had no connexion with the country, but were merely land jobbers? He asked them whether the consequences would not be the same as those which took place in France, and which were prophesied by Mr. Burke? Although he intended to move as an Amendment that the Bill be read a second time that day six months, yet he should not, perhaps, divide the House, if the Government would agree to give the same advantages to the ancient proprietors of the soil as they proposed by the Bill to confer upon the new purchasers; but certainly, unless the Government promised to take the matter into their consideration, he should feel bound to press his Amendment.

Amendment proposed, to leave out the

word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. F. FRENCH: The statement of my noble Friend who has just sat down is so fully borne out by facts, that there cannot be any grounds whatever for treating this as a party question. It is a question of vast importance to Ireland, and in its discussion I cannot but express my regret to observe how empty the benches are. But, Sir, this is almost universally the case whenever any subject connected with Ireland, not of a party character, is brought under the attention of the House. In seconding the Motion of my noble Friend, that this Bill be read a second time this day six months, I shall not merely confine myself to the reasons which led me to feel so strongly the inexpediency of the measure; but I shall venture to lay before the House one or two plans well deserving the serious consideration of the Government, if they are really desirous that Ireland, now in a prostrate condition, should be upon an equality with this prosperous section of the kingdom. I am perfectly ready to give every credit not only to my right hon. Friend the Solicitor General for England, but to Her Majesty's Government generally for a most anxious and ardent desire to promote the welfare of Ireland. I regret exceedingly, however, that hitherto their measures have not proved equal to their intentions. But, on the other hand, I claim for us who oppose the present Bill the same indulgent opinion as to our views, and at least an equally sincere desire to promote the prosperity and welfare of Ireland. We cannot but be anxious for the prosperity of Ireland. We are as deeply interested for its happiness as any persons in this House possibly can be; and, I am sure, there has not been a single measure which we conscientiously believed would advance the one or promote the other, that has not, and would not again find us ranked among its most firm supporters. But will the Bill now before the House effect either the one or the other? This is a question that should be dispassionately considered; and I ask, will the Bill now upon the table, either carry out the objects for which the Incumbered Estates Act was passed, or in any way advance the prosperity of the country? My opinion, Sir, is, that it will not; and, in endeavouring to show you that it will not, I shall first ask the House to consider the extent and the value of the property affected by the original Bill, and the additional extent which will be dragged into the vortex of destruction if the present measure be adopted. The rental of Ireland has been put down at somewhere about 12,000,000*l.* per annum; but from this amount there are considerable deductions to be made. Tho repeal of the corn laws, the increase of poor-rates, and other matters which had materially lessened the value of property, lead us to calculate that the present rental net is about 9,000,000*l.* About one-ninth of that amount, 1,000,000*l.* a year, is all that we have any reason to believe will come under the operation of the original Act for the sale of incumbered estates. By that Act no estate, unless incumbered to the extent of one-half its value, can be brought before the court by the creditors. We may, therefore, fairly assume that about 20,000,000*l.* would be the value of the land which will be brought under the operation of that statute. According to the evidence of Mr. Mahony, a very intelligent solicitor, who has given great attention to the subject, the landed property of Ireland was, on an average of thirty sales, changing hands at the rate of 2,000,000*l.* a year. Now, the immediate operation of the Incumbered Estates Bill will be to force property to the value of 20,000,000*l.* into the market in one year. The interest on this was about 1,000,000*l.* a year; but the entire sum payable on judgments to mortgages in Ireland annually, was estimated at 3,000,000*l.* You would, by passing the present Bill, cause the principal on which this interest was payable to be called in, and for its discharge land to the value of 60,000,000*l.* would be forced to sale. Was it necessary to tell his right hon. Friend that overstocking the market must bring down the price which land would otherwise command. Encumbrances to the extent of 13,000,000*l.*, were already in progress of recovery before the Commissioners. The land sold by them had been at prices ruinously low—property to the value of upwards of 6,000*l.* a year had been disposed of for about 50,000*l.* The estates of 17 proprietors had been sacrificed. Mr. Balfe, in 1845, refused 8,500*l.* for an estate which the Commissioners sold for 3,500*l.* Part of Mr. M'Naughten's property went for 1½ years' purchase. Mr. Darcy's 700 acres, for which he had refused 16,000*l.*, was knocked down for 6,000*l.* Mr. Prat's, Mr. Insties', Mr. Sorle's, brought from six to nine years' purchase. What was the object of the original Bill? Why, it professed to secure for Ireland proprietors who should be enabled to devote the profits of the estates to the improvement of the land and the employment of the people. It was declared to be so necessary for the purpose of the public welfare that such proprietors should be established in Ireland that the rights of the existing proprietors in reference to legal claims, which might be in abeyance, were all swept ruthlessly away; and I am sure the opposition given to the measure in the other House by the law Lords on this ground cannot yet be forgotten. In vain we called on them not to supersede the constitutional tribunals of the country, and not to place the landed property of Ireland at the mercy of three men unrestricted by precedent, form or law, uncontrolled even by an appellate jurisdiction: the answer was, no matter how unconstitutional the machinery—how great the sacrifice of property—how wide-spreading the individual ruin may be—we must, we will have, an unincumbered proprietary. Scarcely have they established their tribunal, when they come to ask for a measure to ensure that this transfer of property shall be not to unincumbered proprietors, but to merely nominal buyers who shall pledge their newly purchased-estates to money-lenders or joint-stock companies for half the nominal price at which they just bought them. The Bill at present before the House professes to amend the original Act. It is brought in for the purpose of amending that measure; and I maintain that it utterly defeats its own object. It replaces incumbered proprietors already existing by proprietors equally incumbered. It heaps, as my noble Friend justly said, contradiction upon contradiction. The original Bill lays down the principle that when an estate is incumbered to the extent of one-half its value, and the proprietor cannot be in a condition to discharge his functions as a private gentleman—that under these circumstances the estate shall be brought to an immediate and peremptory sale; whereas this Bill takes that amount of value (half its value) as the precise point to which it is advisable and expedient that facilities should be given for the purchase of incumbered estates. If that is not a contradiction of purposes, I confess I cannot understand what contradiction is. The Bill was brought in avowedly and confessedly to enhance the value of land; but my noble Friend has shown very clearly that it must force so many sellers into the market, that it will not only not raise the price of land, but considerably depress it. It will force into the market three or four times the number of sellers and the amount of land that could by any possibility have come in under the operation of the original Bill. Now, if you bring so much land into the market with so many sellers, and allow them to be bought with paper, it is clear you must drive *bonâ fide* purchasers away from it, for would any man with capital come to compete with your assignats? But, then, it is said this is a measure to give confidence to landed proprietors. [" Hear !" *and a laugh.*] Why I tell my right hon. Friend that there never was a measure introduced into this House which has created more considerable alarm among proprietors in Ireland than this very Bill. On this subject I shall take the liberty of reading some passages from a few letters I have received respecting it. The first is from a gentleman resident in the north of Ireland, a very intelligent and honourable individual; and he says—

> " The Bill of the Solicitor General, only dealing with estates which come under the incumbered estates commission, plainly shows that it is intended exclusively to facilitate the operations of the English speculator, and I trust, unless all the advantages proposed under it are extended to those proprietors who are incumbered in a lesser degree, it will not be suffered to proceed."

Then he adds, in which I cordially concur, " Believe me this is of vital importance to the great body of the owners of land in Ireland." Then he comments upon an official announcement in a Sunday paper. I call it " official," because the paper would not have published anything of the kind unless ordered from authority. At all events the statement which that journal published must be considered demi-official. He says—

> " A statement apparently authorised appears in the *Observer*, that at the expiration of the second year, the debentures proposed to be created begin to be paid off, which is to be done in the ten succeeding years. See, then, how this Bill stands. For the first two years, the purchaser will receive interest for his own money, half the value, but after that the produce of the estate will not be sufficient for the payment of the instalments without allowing one sixpence for improvements, or the employment of the people, or even for the support of the proprietor, whose purchase will again, probably, come to the hammer."

Then he gives me the statement of a particular case. The rental of a certain estate was 32,000*l.* a year; deduct 5,000*l.* a year for poor-rate, agency, and tithes, the rental would be reduced to 27,000*l.* per annum, which, he calculates would be well sold at 500,000*l.* In this case, should the purchaser find half the money, the first year of repayment he would have to provide 18,000*l.* for interest, and 25,000*l.* for the instalment, making 43,000*l.* out of a rental of 27,000*l.* And before that instalment was paid, he would have to provide 180,000*l.* from sources quite independent of the estate. Now I ask the House whether it is probable that any person venturing upon the purchase of that property could be placed in a condition, under such circumstances, for promoting improvement and encouraging employment? The next letter is from a gentleman who was formerly a Member of this House, and he says—

> "Sir J. Romilly's Bill is of serious import to those proprietors whose estates are incumbered to one-fourth or one-fifth of their value, the interest paid on which is 4½ or 5 per cent, and who may fairly be considered in independent circumstances, paying their interest regularly, and leaving an overplus of two-thirds of their income to spend. The result of this measure will be fatal to those estates. As a matter of course all persons having mortgages or judgments on them will call in their money for the purpose of obtaining the learned Gentleman's advanced interest of 6 per cent. It will not be possible, as Ireland now is situated, to get money on any terms, and consequently these properties will have to be sold at a time when land is a complete drug in the market."

The writer goes on to say—

> "From the frying-pan, with a vengeance, the right hon. Gentleman pitches Ireland into the fire. Under a pretence to raise the value of those estates which would be sold under the Bill, and which, at the ordinary rate of purchase, may amount to 20,000,000*l.*, he is now about to involve in the ruin an additional amount of property to three times that amount, and utterly to annihilate the resident proprietors of our unfortunate country."

The last letter I shall read is from an extremely able man, who has great practical knowledge. It is of considerable length, but I hope the House will indulge me by patiently listening to it. The writer (it is addressed to myself) says—

> "As I observe you have taken a part in securing an opportunity for discussion of the Reincumbrancing Bill now before the House of Commons, I take the liberty of troubling you with a few remarks, such as unfortunately a practical experience in incumbrances enables me to make upon that measure. I need scarcely tell you, or any one else acquainted with Ireland, but it would be very well that you should tell the English Ministry and the English House of Commons, that a very large part of the liens that now hamper Irish estates, were imposed under the operation of measures almost identical with that now proposed by Sir John Romilly. The Irish gentry and successful traders of former years were not free from that inordinate desire of acquiring territorial influence, the destructive result of which, even in England, has been recently exemplified in the ruin of one of its noblest houses. Excited by that desire many Irishmen bought lands for which they could not pay; and the Irish Parliament and lawyers (both English and Irish) aided them in their mad speculations by creating those facilities for the borrowing of money which the law and practice of judgment obligations in Ireland are so well calculated to give. I have little hesitation in affirming that a sufficient inquiry into the matter would show that at least three-fourths of the existing incumbrances upon Irish property have originated in the borrowing of money to complete purchases. That money was usually lent on the security of bonds and judgments, which, to use the metaphor of an Irish lawyer, have ever since 'hovered over the lands, like birds of evil omen, preventing its profitable use by owner, occupier, or the public.' It was, in fact, this evil of judgments which the Incumbered Estates Commission was called into existence to combat with. Land so fettered by law and debt that no one either owned or could alienate it, was found to be both a public and a private nuisance; and it was (as I think rightly) determined to set it free, even at the cost of some violation of ancient ideas of vested rights. One year after this has been determined upon, and while the intent is being carried into practice, Sir John Romilly comes in to establish a new succession of judgment debts scarcely differing from the former in any essential particulars, except that they are to leave the person of the debtor free. Now, what is the defence for this reforging of old chains? Why, simply this, that if something be not done, the incumbered estates will bring so low a price that English creditors will often go unpaid. I will not enlarge upon the vast amount of mischief which may flow from that simple phrase—'something must be done,' but just ask to consider what the thing is that will be done by Sir John Romilly's scheme? A grand bulling operation will be set a-going in land speculations, to be very shortly followed by a bursting of the bubble to the ruin of a vastly multiplied body of speculators, like those who bought railway scrip at two or three, or more hundred per cent, after that imaginary mine of wealth had been opened by the silver spade at Tamworth? Who will now deny that few real capitalists were brought into a participation in the scrip mania, or that, when they were, it was but as a step to their ruin? Believe me, the case will be the same in reference to Sir John Romilly's land-scrip. Prudent men will not go into a rigged market to buy land. They will wait as they did in 1845 and 1846, in order to buy when the reaction that must surely come, and speedily, shall have reduced the price of land, as it has done that of railway shares, as far below as it was once above par. But, say some creditors and some incumbered proprietors, all this may be very true, yet still at the outset we shall get good prices for a few estates; and here, I really believe, is the germ of the project. It has originated in the idea of a few (perhaps I might say of one) sharp solicitors who have the carriage of the sales

of certain large estates that do not now seem likely to realise the amount of their debts. It is true that the Romilly kite may lift those concerns over the obstacles in their way, but will it sustain them at a safe elevation? I should say certainly not. The P— or the M— estates may be sold for paper money for twice their current value; but what will be the exchangable rate of discount of the bill-debentures a year hence? I will refer you for an answer to this question to the Stock Exchange list of this day, in which you will find London and North Western shares that in 1846 were bought at 250, quoted as sold for 102. I have already made this letter too long, and must abruptly conclude it with the expression of a hope that you will be able to bring the House to a deliberate consideration of this vital subject."

Now, Sir, the statements contained in these letters are unquestionably correct; they are made by men thoroughly acquainted with the condition of Ireland; and, from my own personal knowledge of, and acquaintance with, different parts of the country, I have no hesitation in asserting that everything prophesied by the writers must, if this Bill is allowed to become law in its present shape, inevitably follow. My noble Friend, in his very able speech, alluded to what was formerly done in France; and I thought he was about to call the attention of the right hon. Gentleman opposite to what (for it has been more than once done) was done under similar circumstances in Prussia. I will, therefore, describe the Prussian plan. I think —I am sure—that my right hon. Friend opposite does not intend to produce the effects we anticipate from this measure; but we all know it was panic that prevented him, and will again probably, from going so far as he intended. At all events I must express my deep regret at not seeing my right hon. Friend the Chancellor of the Exchequer in his place, because I should be glad to hear from him a defence, either as a matter of policy or as a matter of finance, of the course that is proposed to be taken. I will now just shortly run over the chief features of the plan adopted by the Prussian Government in 1772, when things had come there, as they have now in Ireland, to a dead lock. The owners of estates were allowed to hypothecate them to a joint-stock bank, receiving one-half or two-thirds of their value in notes of not less than 75*l.* each, the value of the estates being ascertained by an official valuator. Interest was charged at the rate of five per cent, one per cent of which was to go for the payment of the expense of the transaction, and the balance to be applied to the reduction of the debt. In the event of any irregularity in the payment of the interest, the estates were to be sold. Each proprietor was to employ the funds so received upon his own responsibility, and the responsibility of the estate, in the improvement of the property. Accordingly, in some cases, the proprietors applied themselves to the drainage of their estates; in others, to the building of farm houses, mills, manufactories, and the reclaiming of waste lands. In all cases these improvements were made at the expense of the estate; there was no attempt at interference on the part of the Government. They left the parties most interested, who were the proprietors, and who had most knowledge and experience of the land, to get through themselves. This policy was eminently successful. The confidence of the Prussian Government was well repaid, and the Prussian proprietors gradually worked themselves out of all their difficulties. The plan was so successful, and the bank so flourishing, that in a short time they were able to reduce the rate of interest to four per cent. In 1807 the bank had advanced eight millions, and in 1837, twelve millions; and then they further reduced the interest to 3½ per cent. The Government or the Bank of Prussia might cash these notes, but it was not incumbent upon them to do so; but the fact was, they were never called upon for that purpose. Three-fifths of the notes were, in a short time, either taken up by capitalists, or they found their way into the coffers of public or charitable institutions; the remaining two-fifths became a most popular currency; and, notwithstanding the reduced rate of interest these securities, through all the different fluctuations of the money market, ranked higher, and there was less fluctuation in them, than even in the Prussian State bonds. For instance, on the 1st of May, 1847, Prussian State Securities paying 3½ per cent were at 92, but the Great Prussian Land Bank, paying 3½ per cent was at 96, whilst Pomeranian Stock, paying 3½ per cent was at 94; Silesian, paying 3½ per cent at 96 three-fifths, and Posen, paying 4 per cent at 101. I stated just now that the attention of my right hon. Friend opposite had been called to this subject. A very able letter was recently published in the papers from a gentleman, whose politics cannot be objected to by my hon. Friends on the other side of the House—[*Mr. French was speaking from the Opposition benches*]—one of the staunchest old Whigs in Ireland—I mean Mr. Prittie. This gentleman, for a Whig, writes with some little taint of bitterness, considering that he belongs to the political party from whom the regeneration of Ireland was to proceed. He feels some doubt as to the professions and the practices of those in power; and he asks why, under the present circumstances of Ireland, money cannot be had from the Government at a low rate of interest? "Why," he asks, "cannot the money be had at a low rate of interest, or a permanent arrangement made through the medium of the Government?" There is some bitterness as well as truth in the following:—

> "In Ireland, certainly, our experience would make us look on so wise and liberal a measure with surprise; but in England, where they are not so enduring, where the people do not submit without a struggle, the Government have not only pledged the public credit, but have actually, in the space of twenty years, during the last half century, raised money to the extent of eleven millions, and lent it to traders, cotton manufacturers, and others, on perishable security, to help them over a crisis which, for intensity and duration, will bear no comparison with that through which Ireland is now passing."

These are matters, Sir, which cannot be disputed—for I shall quote the Acts under which the money was raised before I sit down. Mr. Prittie then proposes—

> "The commissioners shall have the power to issue stock, called 'Incumbrances Redemption Stock,' the interest, 3½ per cent, to be guaranteed by Government, to clear off the incumbrances on estates that do not owe to the amount of one-half their value. Any estate not paying its interest to be sold, and the proceeds applied to the extinction of stock. After five years, a sinking fund of 2 per cent to be established for the repayment of the principal. The stock to be general, secured on the entire of the properties, not on each particular estate."

This, I think, would be a wise provision; and there could be no doubt of its final success. Mr. Prittie adds—

> "This would render the stock as negotiable as consols. The security to the Government would be most ample—twice the value at least of the stock in land, with the power of selling by summary process if in arrear. The Government responsibility would be merely nominal, though of immense value in the eyes of capitalists."

Yes, Sir, I repeat that the responsibility of the Government would be merely nominal. It would, in fact, be something less than nominal. When they have a security of double the amount of the money advanced, with the power of disposing of the estates immediately, if the interest be not paid, I do not see why there should be any hesitation on the part of the Government in giving a guarantee; but I am as well convinced as Mr. Prittie himself, that Her Majesty's Government will do nothing of the kind. There are certain political dogmas in their faith which bear hard upon the material and social interests of Ireland, and they will now be adhered to; but I ask Her Majesty's Government this question—Why will you not treat our interests in the way you have treated your own? I hold in my hand a list of the Acts of Parliament passed during the last fifty years, under which in periods of crisis you have assisted your own interests. In 1793, you advanced 5,000,000*l.* to the merchants, traders, and bankers of Great Britain, on deposits or securities. By the 33rd George III., c. 52, the Irish Parliament advanced half a million "for the assistance of persons in trade, who had property more than sufficient to answer all demands on them, but who could not convert their property into money, and were not thereby capable of carrying on their business." In 1811, by the 51st George III., c. 94, 6,000,000*l.* of Exchequer-bills were advanced for the assistance of British merchants, bankers, and traders. By the 33rd clause, advances might be made on the security of real estates in Scotland, and by the 36th clause, the bankers of Scotland were permitted to borrow from this fund. In 1821, an advance of 500,000*l.* was authorised to the merchants, traders, and manufacturers in Ireland. In 1822, Lord Castlereagh stated that Government were prepared to issue 4,000,000*l.* of Exchequer-bills for the relief of agricultural distress in England. In 1823, the Government induced the Bank of England to advance 5,000,000*l.* at 4 per cent to the landed proprietors in England; the effect of which was an instantaneous cessation of pressure on them, and money which was not before to be had at any interest, offered in abundance at 3½ per cent, so that the advances made by the Bank were almost within the year repaid. Mr. Huskisson, who was originally opposed to the measure, declared there never was one that succeeded better, or conferred greater benefit upon the public. By the 6th George IV., c. 94, 5,000,000*l.* were advanced on bills of lading, for the relief of the shipping interest. In 1832, 1,000,000*l.* was raised by Exchequer-bills, to be advanced to the owners of estates in the West Indies, which had been injured by hurricanes, to enable them to resume the cultivation of their estates. It thus appears that very few advances have been made during this period for struggling Irish interests. Why should not the Government give a guarantee in the present case? They have guaranteed it for other interests, and there are precedents for it in colonial guarantees—guarantees for loans to foreign Powers had been given to an enormous amount—indeed, I find Ireland is almost the only country for which the guarantee has been refused. By an Act of the legislature of New Brunswick, a minimum dividend of 6 per cent was guaranteed to the St. Andrew's and Quebec Railway Company. This Act was sanctioned by Her Majesty in Council, and it directs that, should there be a deficiency, it shall, for twenty-five years, be paid out of the revenue of the province. By the 10 & 11 Vic. c. 130, authority is given to Her Majesty to guarantee 4 per cent on loans for the formation of railways in the West Indies and the Mauritius. The East India Company have guaranteed 5 per cent as a minimum dividend to the shareholders in the Great Indian Peninsular Railway. In New South Wales the Legislative Council have resolved unanimously that, in addition to a free grant of land, a State guarantee of 6 per cent shall be given to those who should construct lines of railway in that country, the guarantee to be for a number of years. These facts show the House to what extent the principle of a guarantee is gone. They show that the Government do not want precedents for such a course; whilst I have proved that, with respect to Irish estates, they will not want security. It is for the want neither of security nor precedent they refuse either advances or a guarantee. As I have said before, I do not anticipate that a guarantee will be given by Her Majesty's Government. I have some reason for knowing this to be the fact, because when a deputation from the Society of Friends had some communications with a Member of the Government upon the subject, informing him that the sum of 10,000,000*l.* could be obtained to promote the interests of Ireland, and develop her resources, at a low rate of interest, if the Government would guarantee the interest, they declined to do so. Under these circumstances, I have no hope of being able to induce Her Majesty's Government to alter their minds, nor do I see on their part any appearance of anxiety to carry out a resolution of that kind. Their debenture system appears designed for the benefit of landjobbers and speculators, and not to serve either Irish landlords or Irish landholders. I shall, therefore, take the liberty of suggesting another means by which, I believe, the objects of the original Bill can be carried out effectually, without either advance or guarantee on the part of the Government. What I propose is, that Irish proprietors, no matter whether their estates were encumbered to the amount of half their value or not, or any mortgagee or judgment creditor, shall be enabled to apply to the Commissioners for a partition of the incumbered property. On the receipt of such application, the Commissioners, I propose, shall proceed to ascertain the interests of the different parties; and, instead of bringing the property to sale, as required by the Act of last Session, they shall make an equitable distribution of the land between the mortgagees or judgment creditors in proportion to their respective interests, giving to each a Parliamentary title for the portion allotted to him. If this is done, it will secure the object of the Bill with regard to the creation of an incumbered proprietary; whilst, at the same time, there can be no better means of breaking up large estates, and reducing them into something like practicable dimensions. I have had several communications from different parties on this subject, all of whom approve of it. His noble Friend Lord Monteagle had shown him letters from Sir R. Bourke, Sir David Roche, and others, calling, on the part of the mortgagees, for a measure of the kind. The advantages of it would be threefold. First, in the creation of a number of unincumbered proprietors, thus carrying into effect the leading principle of the Incumbered Estates Act of last Session; second, the division of large estates into properties of more manageable size; and, third, the partition being an equitable one between all parties, the interest of every creditor, no matter how low he may be on the schedule, will be protected, whilst the owner or landlord will be left his fair proportion, free from incumbrances. It is obvious that such a plan as this holds out a more advantageous and equitable mode of settlement to incumbered proprietors, and the mass of their creditors, than the present system. Under the present system the land is hurried to sale at a greatly depreciated value, and the amount realised is, in many cases, not more than sufficient to pay the first, and, perhaps, the second incumbrancer—whilst the property of the other creditors, and the residue of the interest, which, under ordinary circumstances, would remain to the landlord, are entirely confiscated. By this plan every creditor would receive his fair proportion of land; it would not be necessary for him to bring it into the market at a time when the market is glutted; and he can either dispose of it to the greatest advantage, or hold it for himself. The only objections I have heard against this plan are two. First, it is said, it would be unjust to compel any party to take land in the place of money, which, by his original contract with the proprietor, he is entitled to receive. But at the present crisis, when it is impossible for all parties to receive in money the precise amount they are entitled to claim, a lesser amount of injustice is inflicted by paying all parties in land than by paying a portion only in money, leaving nothing for the remainder. It should also be recollected, that every person to whom an allotment of land is made, and who gets with it a Parliamentary title, can choose his own time for disposing of it, should he not desire to keep it, and, consequently, that he will be certain to make a much more advantageous sale than, under present circumstances, can be made by the Encumbered Estates Commissioners. The other objection to this plan is, that it would be difficult to ascertain the value of the property without offering it for sale. But the court may easily adopt a better and more equitable test of value than the selling price of land under existing circumstances, than which I may fairly say, I know of no worse—the sales under the commission have realised only eight and nine years' purchase. Is it possible that any person who wishes to deal equitably and justly by the landed proprietors of Ireland, can talk of that being anything like an equitable value? Would it not be safer and better, with such a valuation as that of Mr. Griffiths, that the commissioners should take it for their general guidance? They would have it before them at least. They may base their calculation on the fact that there is no real change in the value of land since the time of the Ordnance valuation was made, although circumstances unexampled in the history of any country have contributed to create a temporarary depreciation at present; and, where the object is to make an equitable distribution between all parties, there is no just reason for the commissioners not being guided very much by that valuation in determining the equitable mode of distributing estates. I have thus ventured to lay before the House this plan, by which it is possible, in two different ways, to effect the regeneration of Ireland, without any difficulty or injustice—how in fact it can be accomplished equitably towards the proprietors and their creditors, and how it is possible to make good use of the difficulties caused by the famine, and by the legislation of this House. If you will not allow us to avail ourselves of the credit of the united empire, of which we are supposed to form a portion, when other sections of it have frequently had recourse to it to enable them to realise their own means without any violation of justice—then, at least, deal equitably and justly with the proprietors of land in Ireland, as well as with their creditors. Under these circumstances, believing that the Bill is of the nature of those trifling and tinkering specimens of legislation which, in other matters, this House has tried, and believing, also, that so long as you give us paltry and peddling instalments of useful measures, there is no hope of justice being done to Ireland, I trust the House will agree to the Motion for rejecting the Bill.

Mr. W. FAGAN had not the advantage of hearing the statement of the noble Lord the Member for Kildare in introducing his Amendment. The debate had come on unexpectedly. In the early part of the evening he had understood that the Australian Colonies' Bill would have occupied the whole night; and besides it was the understanding that a day would have been especially appointed for the discussion of this most important measure. He was therefore absent when the noble Lord addressed the House. He was quite sure the noble Lord put forth the best case it was possible to make for his Amendment. But he (Mr. Fagan) was at a loss to understand how or on what grounds the Bill now before the House could be reasonably be objected to by Irish Members. He had listened with attention to the speech of the hon. Member for Roscommon, who seconded the Amendment, and he had failed to detect any good reason for this opposition. He considered, amongst the many excellent measures introduced by the hon. and learned Solicitor General for England, the present Bill was one of the very best. He did not speak his own sentiments alone. He had been lately in Ireland. He was there when the hon. and learned Solicitor General first propounded his measure; and he could assure the House that to all reasonable men who understood the question, it gave the utmost satisfaction. It was an incontrovertible principle that all public good should be effected with the least possible amount of private injury. Now the Encumbered Estates Act of last year was a great public good. It tended to set free the land—to direct capital to the development of the resources of the soil—and to better the condition of the people. But that public good was accompanied by two acts of injustice to the encumbered proprietors. The first was, not limiting the amount of poor-rate—not enacting that there should be a maximum rate. The Government, it is true, were not to blame for that, they were anxious for such an enactment, but the House of Lords refused to pass it. Now that was clearly an injustice to the encumbered proprietors whose properties were by law forced into the market; because in the present condition of that country, with an unlimited rate as a liability attaching to land, no purchaser would be inclined to give an adequate value for property in Ireland., That was the first private injustice which accompanied the Encumbered Estates Bill of last year. The next was adopting a portion of the scheme of the right hon. Member for Tamworth, and rejecting the next. The scheme of the right hon. Baronet was, that Government should purchase at the sales under the commission all properties which were sold under a certain rate of purchase, so as to prevent the porperties from being sacrificed, and to resell them again in small parcels so as to reimburse the Exchequer. The Government, from financial considerations, he supposed, rejected that honest and bold proposition of the right hon. Baronet. Having so rejected it, the next best proposition was that of the hon. and learned Solicitor General for England, namely, to direct private property in aid of those encumbered properties, and thus by creating greater competition at the sales raising their value. What was the present condition of these properties now in the Encumbered Estates Courts, and of the encumbrancers? The law of the land forced them into the market for one encumbrancer, or the proprietor himself may bring any property to immediate sale. There is now, estimating it at its fair value, at least twenty millions of property for sale under the commission. There is, unfortunately, no disposition on the part of English capitalists to become proprietors of land in Ireland. He regretted to be obliged to admit that the proceedings of the tenants in some parts of Ireland during the recess last year, together with the apprehension of poor-rates, tended to discourage them. Can any one imagine that, unaided by English capital in some form or other, this immense amount of property can be sold without ruinous sacrifice during the next two years—that is, during the continuance of the commission? How is this capital to be directed into that channel? Every one knows how abundant money is in this country—how anxious capitalists are for investment, and how great the apprehension is that it may result in speculations which, as before, would be ruinous to the country. The proposition of the hon. and learned Solicitor General would meet the difficulty. Capital in abundance would flow into the channel which he was preparing, and the encumbered proprietors and encumbrancers would be saved from utter ruin. For it is calculated that unless some such measure as this were carried, nearly five millions sterling of encumbrances would be altogether lost. Now, the only feasible argument put forward, though not fairly an argument against the principle of the Bill, was, that other landlords less encumbered, or not encumbered at all, would not be able to borrow one single shilling so long as any investment could be made in these Parliamentary debentures. That proposition is true. But, at the same time, the House should bear in mind that this measure is intended for the relief of proprietors whose properties are forced for sale by the law of the land on the market. If the operation of the Act be not limited to these properties, an injustice will be done to the proprietors and encumbrancers; because the capital which would be concentrated on these properties and produce competition at the sales, would become diffused over a larger amount of property. It is calculated that there are there millions sterling annually paid as interest by the landlords of Ireland: to enable them to borrow money on debentures to pay off the encumbrances for which this interest is paid, would require sixty millions. Where would one half that sum be obtained? Therefore without effecting its object—the proposition of extending the measure to all landed property in Ireland would only prevent its beneficial operation in raising the value of property now for sale. He could not conceive how such an excellent measure could be opposed. He could understand landlords who hoped to purchase back their estates for a song to the ruin of their honest creditors, being against a proposition which would raise the biddings. He could imagine a landed proprietor who owed some six or seven hundred thousand pounds, and who expected, by the pressure of sales on the market, and the absence of capital, to buy back his property for 200,000*l.*, and thus get rid of 400,000*l.* of debt. To such a person, this Bill would be a disappointment. It would spoil his speculations. But by the proprietor who is anxious to pay his debts to the last farthing, this measure will be hailed as a boon, and it will be by many an encumbrancer who would be sacrificed did it not pass into law. He therefore called upon the hon. and learned Solicitor General to persevere with the Bill in its integrity. Though the debate had come on unexpectedly, he could not avoid, however, unprepared, saying thus much in support of what he considered a great boon to the public, and an act of common justice to hundreds of persons.

Mr. BAILLIE said, the hon. and learned Member for Newark, on a former occasion, expressed his surprise that this Bill had not been introduced to the House by the hon. and learned Gentleman the Solicitor General for Ireland; but he thought he had more reason to express surprise that a Bill of such great financial importance should not have been introduced by the right hon. the Chancellor of the Exchequer—whose duty it usually was to bring in measures of finance—rather than by the hon. and learned Solicitor General, who had carefully abstained from giving any opinion as to what would be the probable result of the Bill as a financial measure. Let the House consider what this Bill really was. It was a Bill to convert a certain portion of the land of Ireland into a circulating medium of exchange; or, in other words, to give to certain proprietors of land in Ireland the power of issuing Exchequer-bills on the security of their property. This might possibly be a very advantageous thing for certain proprietors of land in Ireland; but it must be admitted to be at least a novel experiment, and one involving a principle of great importance, and therefore it was a measure to which the House should not give its assent till it had received from the Chancellor of the Exchequer a full explanation of what its financial operation was likely to be. He should be glad to know the amount of this exchangeable paper which the Chancellor of the Exchequer calculated was likely to be issued. They had been told that there was land to the value of 20,000,000*l.* about to be forced into the market by the Incumbered Estates Act. If this amount of property was to be sold, they might naturally calculate that the purchasers, who would have the option of purchasing with paper or with gold, would do so with paper, and therefore 10,000,000*l.* worth of paper of the nature of Exchequer-bills would be forced into the market. Then, what would be the effect of the measure upon the value of Exchequer-bills? At present they were at a high premium. Would they continue to be so? But, supposing the scheme turned out to be advantageous for the proprietors of land in Ireland, was the Government prepared to say that the principle would not be extended to Scotland and to England also? He could assure the noble Lord that there would soon be great necessity for a Bill of this kind in Scotland; for what with the pressure of the times and the circumstances existing on the west coast of Scotland, and considering the relaxation of the law of entail in that country, he apprehended that a large portion of land would be forced into the market in Scotland. An hon. Friend had said that that was the case now; and he (Mr. Baillie) believed his hon. Friend was perfectly right, for there was at this moment upwards of half a million of acres in the market, and more was soon about to follow. Was the noble Lord at the head of the Government prepared to deny to the proprietors in Scotland a similar boon to that which he was about to confer on the landed proprietors of Ireland? [Mr. Fagan: Hear, hear!] The hon. Gentleman cheered that question; he supposed that the hon. Gentleman was therefore of opinion that the boon ought to be granted. If that principle should be adopted, what, he asked, would be the amount of these Exchequer-bills that would be thus thrown into the market? The hon. Member for Birmingham would, if that were the case, begin soon to see his schemes and anticipations realised; for though they were not exactly adopting the mode advocated by that hon. Member, they were evidently coming round to his principles. He very much feared that this Bill was a tacit avowal on the part of the Government of the utter failure of the Incumbered Estates Bill. Indeed, if all they heard with respect to that Bill were true, it was not only working very great injustice, but was in many cases doing what actually amounted to a confiscation of property. Some of the operations of the Bill had been already stated, but there were others to which no allusion had been made. He had heard of one proprietor of large estates in Ireland whose property was encumbered to the amount of 600,000*l.* He was said to have become the purchaser of the first mortgage on his estates, which amounted to 300,000*l.*; but such had been the depreciation in value of landed property in Ireland, that he had eventually become the purchaser of the whole of the estate at that price; and, having obtained a Parliamentary title, he had thus at once wiped off no less than 300,000*l.* of mortgage debt. Such had been the operation of the Incumbered Estates Bill; and now, he would ask, what would be the operation of this Bill? Why, it would enable that very proprietor to borrow 150,000*l.* to carry out his purchase; so that on paying 150,000*l.* this party would get back his estates encumbered to the amount only of 150,000*l.* If this would really be the effect of the Bill, he thought hasty legislation was leading them into acts very like a confiscation of property. What was to become of the unfortunate mortgagees? If they found that hasty legislation was confiscating their property, how could the House be surprised at hearing that a school of repudiators was rising up in the country; or that there should be those who suggested that the fundholder was not to be the only person who was to be exempt by that system, which, as it seemed, was to attack all interests in their turn, and to which every class in the community appeared likely in turn to be subjected?

The SOLICITOR GENERAL said, he had not been a little struck with an inconsistency running through a large portion of the arguments which had been urged against this measure. A considerable portion of the speeches of hon. Gentlemen who had addressed themselves to this Bill, had been directed to pointing out what they conceived to be its defects; and yet those hon. Gentlemen contended that the measure should have still wider powers, and should be extended to other portions of the united kingdom, besides Ireland. The noble Lord the Member for Kildare, and the hon. Member for Roscommon, had declared their intention to move the rejection of the Bill, unless the Government were prepared to give it still wider operation. Now, without following the hon. Member for Roscommon into all the various cases to which he had referred, or stopping to reply to the remark that no advances had been made to the Irish people—the hon. Gentleman seeming to forget the debates which had taken place in, and the Bills which had passed, that House—he would only say that he did not think those cases would have been adduced, if attention had previously been directed to the provisions and objects of the Bill. One of the Gentlemen referred to by the hon. Members, supposed that persons borrowing money would be guaranteed 6 per cent by this Bill. Now, the Bill did not guarantee such percentage, but only legal interest, and in that case the security must be good. The hon. Gentleman had also read a letter in which it was attempted to be shown that this measure was merely a revival of the system of judgments debts which existed before, with the exception that the debtor himself could not be taken; the fact being that it was expressly provided that an estate could not be taken by a receiver—a power which had been felt to be the great curse of judgments in Ireland—but that it should be sold. The objections taken by the noble Lord the Member for Kildare to the measure might be ranked under three heads: first, that the Bill was calculated to encumber the property over again; secondly, that it did carry out into full effect the Act of the previous Session; and, thirdly, that it would operate as an injustice to other proprietors in Ireland. Now, there was an apparent plausibility in the first objection, which upon careful examination would be found to have no foundation. Any person wishing to purchase land in Ireland, might borrow under the Encumbered Estates Bill, and it was obvious that by giving a Parliamentary title, facilities and encouragement were given for such an operation. If persons were desirous so to act, they would produce an encumbrance analogous to all encumbrances—namely, an encumbrance under which the creditor might take possession of the land by means of a receiver, and the person of the debtor might be taken in execution, and all those painful consequences incident to Irish encumbrances might follow. But if this Bill passed, a person would probably prefer borrowing money in the mode it pointed out, which was infinitely preferable to the old mode. There were two distinct classes of encumbrances which presented themselves to the view. The difference between a person purchasing partly with money, the proceeds of his own profession and calling, and one borrowing in order to keep up a nominal appearance in the country, was clear. In the one case the purchaser was declining in his position in the world, in the other it was likely that out of his savings, and by the exercise of frugality, he might be enabled to pay off the encumbrance, and ultimately become an unencumbered proprietor. Some observations had likewise been made with regard to the working of the Encumbered Estates Act of last Session, for which, upon examination, he did not think any ground could be shown. When it was said that property was sold at certain years' purchase, it was essential that the question of rental should not be overlooked. On a former occasion the hon. Members for Portarlington and Roscommon spoke of an estate being sold in the county of Mayo at a year and a half's purchase, and they contended that that estate had been clearly thrown away by reason of the operation of the Encumbered Estates Act. But he had received a communication from one of the commissioners under the Encumbered Estates Act, which put the matter in a very different light. The property to which the communication referred, was one of seven lots, forming one interest, held under the Marquess of Sligo, at a head rent of 200*l.* a year, which, by the terms of sale, was to be paid out of this lot. The lot consisted of 7,878 acres, and it was said to be at a rental of 600*l.*, so that after paying 200*l.* head rent, it would appear to leave a profit of 400*l.* a year. It was sold for 600*l.*, being one and a half year's purchase. It was situate in two of the worst unions in Ireland, Westport and Ballina, and formed a sort of rocky promontory that ran into the Atlantic. It had been subject to the receiver of the Court of Chancery since April, 1845; and according to his last account, there were 126 tenants, whose nominal rents amounted to 280*l.*, instead of 600*l.*, but they never paid anything; not even the amount of the head rent. When the lot was sold, the number of tenants was reduced to fifty-two, holding 234 acres, at 178*l.* rent, leaving the remaining 7,600 acres untenanted; on which 7,600 acres the owner placed a supposed value of 424*l.*; and in this manner the rental of 600*l.* was made up. In the Ordnance valuation this lot was valued at 228*l.* 4*s.* 10*d.* a year, which, after paying 200*l.* head rent, would only leave a profit of 28*l.* a year. He would ask hon. Gentlemen whether they would give more than 600*l.* for these 7,878 acres of land in the west of Ireland, of which the highest valuation was 228*l.* a year, of which 7,600 acres were untenanted, and subject to a head rent of 200*l.* a year? Yet it was that piece of land which it was contended had been sacrificed to a year and a half's purchase.

MR. J. STUART: What were the encumbrances upon it? It must have been encumbered for more than half its value.

The SOLICITOR GENERAL believed it was encumbered for more than its value; but it was sold free from encumbrances.

MR. J. STUART: What was the position of the encumbrances now?

The SOLICITOR GENERAL suggested that the hon. and learned Gentleman should reserve his observations until the period when he himself addressed the House. The Incumbered Estates Act was intended to give facilities to the transfer of land, by giving a clear and indefeasible title, and as much as possible to give a fair value to the land. The hon. Member for Roscommon had contended that land to the amount of 20,000,000*l.* would come under the operation of the Incumbered Estates Commission, in the course of a single year; but he seemed to have forgotten that the commission had power to enlarge the time, and, if it appeared likely that an estate would be sacrificed by a precipitate sale, they would suspend such sale. The power of the commissioners to receive petitions extended to three years, and their other functions to five years. The sales which had hitherto taken place under the Act were much more advantageous than those which were made before the Act came into operation. With regard to the objection urged by the hon. Member for Inverness-shire, that this measure ought, as having a financial bearing, to have been introduced by the right hon. the Chancellor of the Exchequer, he confessed that he could see no validity in it, and he thought his right hon. Friend might just as well be required to express his views upon a private Bill of the North Western, or any other railway company, requiring to borrow three or four millions upon debenture, as upon the Bill now under discussion. Nor did he think that the illustration introduced by the noble Lord the Member for Kildare, with respect to the system pursued in France, or the passage he had read from Burke, was analogous to this case. The prophecy of Burke with regard to the situation of persons who purchased the Church lands had not been verified, as the purchasers were not in a distressed position, but were as well able to fulfil their functions as landlords as any others. The system of assignats was also totally distinct from the present arrangement, as the holder of assignats had no right to sell the land in case he could not get money as exchangeable value for what he held. Under the proposed system, on the contrary, there was the reasonable certainty that the property was worth the amount of debenture charged upon it. If, as the noble Lord who moved the Amendment contended, the measure would not tend to raise the value of land in Ireland, it would then simply be a measure which, if it produced no good, could entail no harm. If, however, the number of purchasers was increased, the land would rise in value; and if the Bill did not have that effect, it would be inoperative. As to the extent to which persons would be found to advance money for the purposes contemplated by the Act, it would be rash to attempt to determine. With regard to the objection that the Bill operated as an injustice to proprietors in Ireland, he presumed that it took this form: that, as the Encumbered Estates Act had engrossed all those persons who were desirous to purchase lands, so this Bill would engross all those who desired to lend, and thus an injustice would be inflicted upon those proprietors who had never incumbered their property, or who might be desirous to sell. Now, he really did not think that such would be the effect of the measure. For, in the first place, the operation of the Incumbered Estates Act was confined to cases of half value, and then only at the instance of the tenant; and, in the next, it would occasion a considerable influx of capital into Ireland. At present, there was a great overflow of English capital into all other parts of the world. Capital was traversing America, Belgium, and France, in search of investments, and yet it had hitherto not found its way into Ireland, although the opportunities afforded were unexceptionable. But he could see no reason why capital should not flow into that country, if once a fair and reasonable impetus were given. He did not think it necessary to go into the question raised by the hon. Member for Roscommon with regard to the Prussian Land Banks, or to consider the observation that objections to this measure would be waived if it were extended to every proprietor in Ireland. It had been objected that the Bill should be improved to the extent of enabling all persons desiring to borrow money to come to the Incumbered Estates Commissioners, and under their sanction and investigation obtain a Parliamentary title to their land, and be enabled to raise money upon debentures. Now, he should be prepared to approve of any plan which, proceeding upon an intelligible principle, should be calculated to effect that object; but it would require a much larger machinery than was now in existence, and it was necessary to proceed by degrees. He denied that this Bill afforded undue advantages to those persons who had not conferrred a benefit on their country, and withheld them from those who had; and he did not think that the proprietors of incumbered estates ought to be treated less favourably than the more fortunate proprietors. By far the greater portion of them came into possession of their estates in an incumbered state, and so far from increasing their incumbrances, they did all they could to diminish them. They were a class who were likely to reward any favour that Parliament might show them in helping them to extricate themselves. The Bill, he thought, would be of great benefit to Ireland; although that it was not susceptible of improvement he was not prepared to say. He would be ready to receive any assistance in Committee in making the measure as perfect as possible; but, as far as he could judge from the communications received from Ireland, and the meetings that had been held there, it appeared to have met with peculiar favour, and to have been treated as the first step towards social amelioration and towards the regeneration of the landed interest.

MR. G. A. HAMILTON was afraid that the vivid description given by the hon. and learned Solicitor General of the sale of an Irish estate under the Encumbered Estates Bill, was not calculated to induce English capitalists to invest their money in landed property in Ireland, as his description clearly showed the lamentable results that must necessarily flow from the system of forcing estates, under disadvantageous circumstances, into the market; and he (Mr. Hamilton) was informed that with reference to the very estate mentioned by the hon. and learned Gentleman, a considerable number of the puisne creditors would be completely ruined through the sale. But, he would ask, was it right to argue that any prudent or frugal man would avail himself of the powers given by this Bill to purchase an estate with borrowed money? If he did so, he was likely very soon to fall into the same condition as the present proprietors, having property in their hands without being able to fulfil the duties attaching to its possession. Instead of inducing capitalists to purchase, he thought its effect would be rather to induce the present proprietors, who were so much condemned, to retain possession of the land they had now, and endeavour to acquire more if they could. The hon. and learned Solicitor General said now was a very favourable opportunity for the profitable investment of capital in Ireland. Then he (Mr. Hamilton) must ask, if that were so, why was it necessary to give the additional stimulus of this Bill to these investments? He objected to the Bill also, because it seemed to him reversing the policy of the Encumbered Estates Act of last year; and there was a general suspicion in Ireland that its object was not so much to change the condition of the present proprietors as to introduce a new set of persons. Now, it was unjust to act on any such principle, because the Irish landowners who had been guilty of misconduct were a very small section of the entire body; and the feeling of the people generally was adverse to any mere change of individuals without changing the condition of the proprietors. Various causes for many years had contributed to place every class in Ireland out of its proper position; but they ought to allow the social ranks to right themselves gradually by the natural means, instead of attempting to do so by any violent and artificial means. Again, this Bill, by creating a new security on landed property, would depreciate the value of loans on lands made in any other mode than under the Bill. He believed the motives of the Government were good in introducing the measure; but for the reasons he had assigned, he must oppose its further progress.

Mr. SADLEIR would like to ask the hon. Gentleman who spoke last, what was the condition of Ireland anterior to the passing of the Encumbered Estates Act? Nothing could be more unjust than to ascribe the alleged ruinously low sales effected in Ireland to the operation of that Act; because the great calamities that had previously befallen the country had, in point of fact, contributed to the general depreciation of landed property; and it ought to be recollected that every sale yet effected under that Act was only the carrying out of a decree pronounced by the Court of Chancery in Ireland. The property sold within the last few months had been the subject of suits anterior to the famine of 1846; but the effect of attempting sales under the Court of Chancery had been to check all competition, because the prudent man who had recently purchased under the Encumbered Estates Act would never have been so infatuated as to buy land with a dubious title, a long and complex conveyance, and a list of conditions of sale frequently unintelligible to the keenest lawyer. The opponents of this Bill should also bear in mind that it did not render it compulsory on the purchaser under the Encumbered Estates Act to borrow to the extent of one-half the purchase money, or at all; it was merely a Bill enabling him to do so; and they had a precedent for this principle in the power given to railways to borrow on debentures to the extent of one-third of their capital. And with regard to the necessity for a great influx of English capital into Ireland, many of the encumbrances in Ireland were owing to persons who were not in want of money, and who would be willing to have their encumbrances turned into the convertible securities on land (which were always the investments most sought after by capitalists) to be created under this Bill. He was present, only on Saturday last, at a sale by the commissioners of an estate in the county of Galway. Nine of the resident gentry attended to compete for the property. The valuation of this estate (with the circumstances of which he was familiar), under Mr. Griffith's valuation, was 287*l.* per annum. It was sold for 6,200*l.*, and he (Mr. Sadleir) considered that to be a very fair price. He did not believe that this Bill would encourage undue borrowing, but that, on the contrary, it would have the very opposite effect. He conceived the manifest result of the proposed Bill would be to put a direct and positive limit to the extent of borrowers. It was also worthy the attention of the Government that before the failure of the potato crop the earnings of the small tenant class in Ireland were frequently lost by the rash confidence which they placed in some of those unprincipled and insolvent proprietors, who succeeded in sucking out of them the hard savings of a long life, and substituted for the poor man's money a worthless I O U or bond. It would be for the benefit of a large portion of the frugal tenant class and traders in Ireland to know that they would have provided by the House a simple and solid security for their savings. He must resist the Amendment of the noble Lord the Member for Kildare, because he could not allow the present Bill to be endangered. He desired to see it improved in its details; and if there was any pressure on the Government to extend the Bill for the purpose of assisting the owners of estates not excessively encumbered, he would most cordially concur in the movement. He would be the last man to libel Irish titles; but though they were inherently good and sound, they were complex, voluminous, and obscure, and consequently were not marketable. He thought the Irish Members should be unanimous in urging upon the Government the introduction of a Bill, having for its object the creation of a second Commission, the object of which should be to give to the owners of land in Ireland an opportunity of purging from the titles of those lands the legal obscurities that had accumulated upon them, and to vouch the validity of the title to the commissioners, so as to enable them to give to a purchaser a Parliamentary title. He regarded this Bill as furnishing a precedent for the second measure; and he felt that the purchasers of land in the Encumbered Estates Court had already obtained an advantage over the possessor of land placed in ordinary circumstances. He begged to call the attention of the hon. and learned Gentleman the Solicitor General to some of the defects in the Encumbered Estates Act. For instance, the excluding from its operation the recovery of the arrears of rent charges and annuities was complained of; because the properties charged with those arrears were continued in the Court of Chancery, and almost the whole of the proceeds was swallowed up by the enormous expenses of that court. According to the present Bill, when an estate was to be sold, the Encumbered Estates Commissioners called for the tenant's leases, for maps and surveys, and proposals, and every particle of evidence connected with the property; and where a receiver was appointed, the result was, that he was stripped of all the materials for managing the property, a scene of indescribable confusion ensued, and the receiver could not discharge the duties incident to his office. A simple and short Bill would remedy the evils to which he adverted, and give great satisfaction to the country.

The O'GORMAN MAHON begged to say that he had been recently in Ireland, where he had opportunities of conversing with numbers of persons interested in this question, to which especial notice had been attracted by the opposition given to the introduction of the Bill by the hon. and gallant Member for Portarlington; and he found, upon examination, that the concurrent testimony of the great majority of the parties interested in the passing of the measure was most unquestionably in favour of its immediate application to the condition of things in Ireland. He might also remind the House that not a single petition against the Bill had been presented from any portion of the landed interest in Ireland; and if the noble Lord the Member for Kildare was sustained by the Irish people in his opposition to this Bill, surely they would have displayed some symptoms of that opposition. A number of Irish gentlemen, and persons interested in the management of land, had lately met in Dublin (at the Dublin Society's annual show); and he had made it his study to enter into conversation with the different classes, and he did not find amongst them, when speaking of this measure, one dissentient voice. On the contrary, it was considered as a boon, and the sooner it was conferred on the country the deeper would be the obligation arising from it.

MR. H. A. HERBERT bore his testimony to the pains which had been taken by the hon. and learned Gentleman the Solicitor General with regard to Irish questions; but though he hitherto agreed with him, he could not support this measure of the hon. and learned Gentleman, unless he gave them a stronger assurance than he had given with reference to the opinion that the principle of this Bill should be extended to unincumbered estates as well as to encumbered estates. There was one circumstance which had not been touched upon, namely, the change which recent legislation had produced upon landed property in Ireland. They were told that they should meet that change by increased energy on their part, and by the introduction of a new system of farming, but, at the same time, the power of raising money for that purpose was taken from them. The hands of the proprietor were tied; they were shut out from the market, and prevented from borrowing money upon reasonable terms, without selling their land. Upon these grounds he should reluctantly support the Amendment of the noble Lord the Member for Kildare, unless some assurance were given by the Government that they would adopt the principle of the Amendment.

The O'GORMAN MAHON explained, that the observations he had made did not apply to what had fallen from the hon. Member for Carlow, but that he had merely spoken of the general approbation of the measure which he had remarked during his last visit to Ireland.

MAJOR BLACKALL said, it appeared from the statements of the hon. and learned Solicitor General, that owners being encumbered, their creditors not bringing them within the operation, might come in by their own desire. Now, if there were proprietors in that state, it would be hard upon them, with a view to prevent them from encumbering their estates, to refuse to pass a Bill which would be of such immense importance to the greater number of the proprietors of Ireland. A great deal had been said about forcing individuals into the operation of the Encumbered Estates Bill; but it appeared from the cases cited by the hon. and learned Solicitor General, and which had been confirmed by the hon. Member for the Dublin University, that so far from parties having been forced into the Encumbered Estates Court, they had come under their jurisdiction of their own free will, and sold for their own benefit. If the land was brought into the Encumbered Estates Court, various advantages would arise in the purchase of land which could not be secured in any other way; and, in his opinion, the value of land would be raised instead of being depressed. For these reasons he should give his cordial support to this Bill. He agreed that greater advantages would be derived from the extension of the Bill to other parties, and he should be happy to give the hon. and learned Solicitor General any assistance in his power in the Committee.

MR. GROGAN said, he did all he could to prevent the passing of the Encumbered Estates Bill of last year; but that measure having passed, in spite of his opposition, he felt compelled now to support the present Bill, with a view of preventing the former from being productive of the bad effects which he had anticipated from it. He had a choice of difficulties before him; because when he knew that the Encumbered Estates Commission would sell the estates which were entrusted to their care for whatever price they could get, if it was at all within reason, he was forced to decide between the alternative of opposing the present Bill, and thereby leaving things as they were, or of supporting it, and thereby furnishing the means of inducing purchasers to give a larger sum for such estates than they would otherwise be induced to do. He would, however, strongly urge upon the noble Lord at the head of the Government to consider the propriety of readjusting the Bill, so as to extend its advantages to proprietors whose estates were partially encumbered, and who, as the Bill at present stood, would be placed in a worse position than they were in before.

MR. S. WORTLEY said, that if this were a mere Irish question, it might be deemed presumptuous in him to offer any observations upon it; but as he apprehended it had a wider scope, and was of higher importance than an ordinary Irish question, he trusted the House would excuse him, especially as, although he had no personal connexion with Ireland, he had paid considerable attention to the working of the Incumbered Estates Act, if he ventured to express to the House the opinion he had deliberately and strongly formed respecting it. He confessed that he felt, as a Member of the House — and if he had been an Irishman he should have felt still more strongly—that they were all deeply indebted, he would say, to the Government, because they were entitled to the credit of it, but more especially to the hon. and learned Solicitor General, for having introduced the Incumbered Estates of last year. He (Mr. Wortley) had always considered that measure as one of very great importance, of very great difficulty, and as surrounded with very great doubts. He regarded it as applying an extraordinary remedy to an exceptional and overwhelming class of evils. His opinion was, that the measure had been successful to an extent which its authors had hardly contemplated. [*A laugh.*] That opinion might be ridiculed; but he repeated, that it had brought an amount of property within its scope and jurisdiction far exceeding what had been expected by those who introduced it. What had been the consequence? The consequence had been, that it had produced a state of things which required an additional extraordinary measure. A considerable portion of the land of Ireland was in the course of passing into the hands of small proprietors. It probably would surprise the House to learn the amount of landed property which had been brought into the market under the operation of the Incumbered Estates Act. It appeared from a return which had been presented to the House of Lords, that up to February last the quantity of land brought under the control of the Commissioners was represented by an annual income of half a million, whilst its gross value was ten millions of money. It was impossible to bring so large an amount of property into the market without causing an exaggerated depreciation of its value, unless some counteracting remedy were applied. The question then arose whether this Bill was a remedy—not whether it was a perfect remedy, but whether it was a remedy to some extent—and whether it would be accompanied with such a violation of principle as to deprive it of all claim to the support of the House? He was aware of the difficulty of raising money in Ireland, for he was one of the directors of a society whose business it was to lend money on good landed security, and it was a recognised rule with them not to advance money on Irish land. The first time he attended a meeting of the board of directors, a proposal was made to effect a mortgage on some Irish property, which was rejected as a matter of course. Being struck by the decision, he ventured to intimate that landed property was usually deemed a good security. An astute judge, who was one of his colleagues at the board, said—

> "None better; but this land happens to be in Ireland. If the interest of the mortgage should not be paid, we are at liberty to take possession of the land; but then we must proceed by ejectment, and we shall have to deal with an Irish debtor and an Irish jury, which is an ordeal we should not quite like to go through."

The Bill now before the House would facilitate the purchase of small portions of land. The manner in which the measure would work was this:—If a person should purchase a property worth 15,000*l*., he would be required to pay 10,000*l*. into the Bank of Ireland, and the remaining 5,000*l*. would be left chargeable on the property on reasonable terms. At present an Irish estate, worth nominally 500,000*l*., might be so incumbered with debts as not to enable the proprietor to discharge the duties attached to his position; but pass this Bill, and they enabled the Commissioners to divide such an estate amongst several persons, who would have ample means for improving the property. It was urged that the measure would afford facilities for proprietors whose estates were not incumbered to avail themselves of the machinery of the Commission, whilst, on the other hand, it would cause estates which were incumbered to be sold at a depreciated value; but he did not attach much importance to those objections, for it must be borne in mind that the Bill would facilitate competition. Believing that the Bill would materially assist the operation of the Incumbered Estates Act, and that it would be beneficial to Ireland, he felt bound to give it his hearty support.

Colonel DUNNE could not agree in the compliment paid to the hon. and learned Gentleman the Solicitor General, because all his Irish Acts had, in his (Colonel Dunne's) opinion, failed. He thought the course of legislation pursued towards Ireland of late years was exceedingly defective. The Labour Rate Act, the Poor Law Act, and the Encumbered Estates Act, had all failed. It appeared to him that the Government had entered into a contract with somebody to make bad laws for the sister country, and that that somebody was fulfilling his part of the bargain to admiration. The Bill of last year had caused the perpetration of the greatest injustice, inasmuch as most of the estates had been sold far under their value. He had no doubt that the present measure would not raise the price of land, that it would overglut the market, and cause parties to purchase who would never afterwards be able to repay the purchase-money. This measure would not raise the price of property, or benefit Ireland in any way. He had seen it stated in a journal of that evening that some properties had been put up for sale which had brought five years' purchase in some instances, and only three years in others. The hon. and learned Gentleman the Solicitor General did not seem to know much as to the effect of these measures; but an Irish Judge, of the Whig party too, had stated that they would sweep away the property of the country.

Question put.

The House divided:—Ayes 186; Noes 41: Majority 145.

List of the Noes.

Baillie, H. J.
Baldock, E. H.
Bennet, P.
Beresford, W.
Bernard, Viscount
Best, J.
Blackstone, W. S.
Booth, Sir R. G.
Christy, S.
Cole, hon. H. A.
Coles, H. B.
Conolly, T.
Disraeli, B.
Dodd, G.
Dunne, Col.
Edwards, H.
Farnham, E. B.
Farrer, J.
Ferguson, Sir R. A.
Filmer, Sir E.
French, F.
Gore, W. R. O.
Gwyn, H.
Halsey, T. P.

Hamilton, G. A.
Hodgson, W. N.
Hornby, J.
Hudson, G.
Jones, Capt.
Mackenzie, W. F.
Maxwell, hon. J. P.
Meux, Sir H.
Newport, Visct.
Stanley, E.
Stanley, hon. E. H.
Stuart, J.
Sturt, H. G.
Tyrell, Sir J. T.
Verner, Sir W.
Villiers, hon. F. W. C.
Walsh, Sir J. B.

TELLERS.
Naas, Lord
Herbert, H. A.

Main Question put, and agreed to.

Bill read 2°, and committed for Monday next.

NAVAL PRIZE BALANCE BILL.

The House went into Committee on this Bill.

Mr. **PARKER** explained, at the request of Captain Harris, that the object of the Bill was to enable the Admiralty to hand over prize money unclaimed, and in their hands, to the Consolidated Fund. Without such a measure it could not be appropriated in aid of the estimates.

Captain **HARRIS** said, he thought that the Government ought to take the distribution of prize-money into their own hands. The distribution was now left to agents, and in case of their bankruptcy the sailor lost the whole of his prize-money. There was at present great difficulty in obtaining prize-money, but he believed that this Bill would render its recovery still more complicated and difficult.

Sir **F. T. BARING** observed, that in consequence of the House having pressed strongly upon the Government a new mode of making the estimates, it had been necessary to bring forward a Bill to alter the original mode of distribution. He considered that this Bill, instead of increasing the difficulty of recovering prize-money, would afford greater security to seamen.

Captain **HARRIS** said, he felt it his duty to oppose the measure.

Motion made, and Question put, "That the Bill be read a second time, paragraph by paragraph."

The Committee divided:—Ayes 70; Noes 5: Majority 65.

List of the Noes.

Bennet, P.
Grogan, E.
Gwyn, H.
Hodgson, W. N.
Hornby, J.

TELLERS.
Harris, Capt.
Stuart, J.

Bill reported; as amended to be considered To-morrow.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, April 26, 1850.

House adjourned till Monday next.

HOUSE OF COMMONS,

Friday, April 26, 1850.

Minutes.] Public Bills.—1° Court of Prerogative (Ireland); Smoke Prohibition; Defects in Leases Act Amendment.

Reported. — Distressed Unions Advances and Repayment of Advances (Ireland); Fees (Court of Common Pleas).

THE PROFESSORSHIP OF HISTORY AT CAMBRIDGE.

Lord **J. RUSSELL** wished to bring under the notice of the House a matter to which his attention had been called by Sir James Stephen; who had read in the newspapers a statement as to what had fallen from him (Lord J. Russell) as to the number of lectures delivered on modern history at Cambridge. Having had to recommend to the Crown the appointment of professors of modern history both at Oxford and Cambridge, he had naturally felt anxious to know in what manner those professors were received at those universities, and how they were enabled to discharge the important duties which belonged to professors of modern history. In the course of the last autumn he had had a conversation with Sir J. Stephen, and had put a question to him with respect to the time which he could devote to the delivery of lectures at Cambridge. The House would recollect that he had stated in the course of the debate that he had understood from Sir J. Stephen that he could only give one lecture in the course of a week, and that that would be of an hour or an hour and a half, or two hours' duration. Sir James Stephen had since stated to him that he did not remember any conversation that had taken place, but he said he presumed, though he was only speaking from conjecture, that he (Lord J. Russell) must have understood him to mean that he could deliver only as many lectures as there were weeks in the academic year. Such a statement would, he presumed, have been perfectly accurate, an academic year embracing about 25 weeks. Sir James Stephen added that it was provided by the university regulations that the number of attendances on any course of lectures required from a student as the condition of certificate should not be less than 20, nor more than 25. It appeared, therefore, that he had been mistaken in supposing Sir James Stephen to have said that he could not give more than one lecture in a week, because he could give two, or three or four, if he pleased; but, according to his own statement, it appeared he considered himself restricted by that regulation from giving more than 25 lectures—that was to say, that he was at liberty to give more than 20, but, by that regulation, not more than 25, which, in substance, amounted to one lecture a week on the average in the course of the academic year. Sir James Stephen had likewise stated to him that, having read to the Vice-Chancellor what he had just stated, the Vice-Chancellor had remarked that the law in question did not forbid the lecturer reading as many lectures as he pleased, but only exempted students from the necessity of attending more than 25. Practically speaking, he (Lord J. Russell) presumed the difference was not material. Perhaps it might be right he should further state that the conversation took place last autumn, upon his asking Sir James Stephen a question as to the time, and that an inference had been drawn, very unfairly, that Sir James Stephen had been addressing some complaint to him as to the restricted time allotted to him. The fact was, that he had simply asked him what was the time he could devote to those lectures.

MR. GOULBURN said, what he had stated on a former evening was, that Sir James Stephen was giving, at the time when he addressed the House, three lectures a-week to the students. The restriction as to the number arose from the circumstance that some limit must be imposed, in order to see whether a man had sufficiently complied with the regulations in order to go in for honours in that particular branch; and the university had decided that it was not necessary to attend more than 25 to go in for an examination.

DISTRESSED UNIONS ADVANCES (IRELAND) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

COLONEL SIBTHORP, pursuant to notice, rose to move that the House resolve itself into Committee on that day six months. He strongly disclaimed being actuated in so doing by any unkind feeling towards the sister kingdom. On the contrary, he always had voted, and always would vote, for any measure which he really believed was for the benefit of Ireland; and, acting upon the same principle, if he thought the present Bill would tend permanently to the relief of that country, he should have felt it his duty to support it. But it was no such thing; and it was just intended to cloak the delinquencies of the Government in their Irish policy. When he was at school he was taught to believe that two and two made four, and that two taken from four left two remaining; but the returns which had been laid upon the table on the subject of these advances to Ireland, did not appear to go upon that rule. The total amount of loans and grants made to Ireland during the last ten years, amounted to no less than 12,027,432*l.* 13*s.* 2*d.* The loans amounted to 8,704,225*l.* 7*s.* 8*d.*; the loans repayed to 3,184,421*l.*; leaving a balance still due of five millions and a half—an awful sum. And yet there had been no assurance from the noble Lord when he proposed a grant of 300,000*l.*—an awful sum too—that no more would be required. But before this grant was agreed to, the House and the public had a right to know what chance there was of getting it back again. That was only the course which every prudent man would adopt. The right hon. Baronet the Secretary for Ireland had said that "rate uncollected was not rate in arrear." For his own part, he didn't understand such phrases, for if a man owed him 5,000*l.*, and didn't pay it, he should say it was in arrear. The right hon. Baronet had said he "hoped the condition of the country would soon improve." Well, hope was the poor man's staff; but, if he had had no dinner, hope wouldn't relieve his hunger; and he asked the right hon. Baronet whether he would assure the House that there should be no further demands for money for Ireland. He believed that they would never hear the end of these loans and advances unless the House determined on putting a stop to them. He wished to see the sister kingdom not only happy and prosperous, but maintaining its position; at the same time, if successive Administrations had governed the country rightly, Ireland would never have required assistance from the Imperial Exchequer. Holding these views, he should certainly persist in his Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

MR. H. A. HERBERT said, whenever this question had been approached by the House, there had been assertions hazarded so totally at variance with the facts, that he thought some Irish Member should take the first opportunity of making a few observations upon the subject of Irish loans and grants; more especially when English Members took every occasion of making assertions that were totally unwarranted, and insinuations which personally would be most insulting. The very persons who the oftenest spoke on these subjects, and mode those assertions the most recklessly, were just those who, by every remark they made, showed a total ignorance of the subject on which they spoke. On a former occasion it had been said that an Irish loan was the same as an Irish grant; and upon another occasion it had been asked in contemptuous tones, "What is an Irish loan?" He held in his hand a very comprehensive return, moved for by the hon. Member for Glasgow, which would aid to answer that question. From this it appeared that from the year 1817, when the Exchequers of England and Ireland were consolidated, up to 1845, the total loans to Ireland were 11,326,596*l.*, of which sum 8,483,201*l.* had been repaid to 1848, leaving a balance of 2,843,395*l.* In this sum he had left out the loans made during the three years of famine, because he proposed dealing with them on a different principle. He was not prepared to show that every loan that had been made during the period of famine had been repaid before it was asked for, and before the famine was over; but what he was prepared to show was, there had been nothing in the financial transactions between the two countries to warrant the assertion that a loan to Ireland was tantamount to a grant; and that, as a general rule, the loans to Ireland had been punctually repaid. Well, he found that out of the sums which had been lent to Ireland between 1817 and 1845, there at present remained a balance on the face of the account of 2,843,395*l.*, which he must say was not a very large sum out of 11,326,596*l.* He begged to observe, too, that there was a large part of the instalments not yet due, and that with regard to a great part of the workhouse loans, there was an understanding that they were not to be immediately demanded. He appealed to the right hon. Gentleman the Chancellor of the Exchequer, however, whether it was not the fact, that if the Government had pressed for repayment of the workhouse loans they would (except perhaps in the case of three or four of the more distressed unions) have been repaid also? He would next ask the House to look at the large repayments which had been made during the period of the famine, notwithstanding the unparalleled sufferings of the country during that calamity. He found that the total local taxation of the country amounted in 1840 to 1,306,937*l.*, while in 1848 it had risen to 3,077,164*l.* In the same period the poor-law valuation had fallen from 13,272,797*l.* to 9,000,000*l.* Well, notwithstanding this great increase of taxation, this depreciation of property, and the visitation of a famine during the period, Ireland had repaid on loans 370,283*l.* in 1846, 514,481*l.* in 1847, and 357,117*l.* in 1848, making an aggregate repayment in those three years of 1,241,881*l.* Now, he put it to the House whether, in the face of these facts, there was anything like the shadow of justice in the allegation of the hon. and gallant Member for Lincoln, that Irish loans were tantamount to Irish grants. With reference to particular instances, he found that out of 83,321*l.* lent to the county of Kerry, from 1834 to 1847, at 5 per cent, a balance of 13,743*l.* remained due to the Treasury in 1847; and since that period the whole balance had been paid off. Again, he found from a return lately obtained by the hon. Member for the University of Dublin, that out of 27,931*l.* 16*s.* 5*d.* lent to the county of Mayo at 5 per cent, 25,219*l.* had been repaid up to the 1st of January, 1846, leaving a balance of 2,711*l.* Of these sums, it appeared, by reference to the items in the return, that only 225*l.* 6*s.* 5*d.* principal, and 73*l.* 13*s.* 9*d.* interest, was due at the date of the return (the 19th of March last). He would next call the attention of the House to the following important extract from the evidence given by Sir J. Burgoyne before the Devon Commission in 1845:—

> "In pursuance of an order of the House of Commons, dated the 3rd of May, 1843, a return was presented, being a general statement of the transactions of the Commissioners of Public Works, from the appointment under the 1st and 2d William IV., chap. 33, showing the working of Exchequer-bill issues, with repayments, and the estimated profit up to January 5, 1843. This statement, made out in strict accordance with the

principle adopted in a similar one furnished by the English Loan Commissioners, and which was referred to this board as a model for theirs, exhibits an estimated profit, up to the 5th of January, 1843, of 32,980*l.*; a statement on the like principle, if carried up to the 5th of January, 1844, would show an estimated profit of 47,374*l.*; and if to January, 1845, of 51,719*l.* There is another way of estimating the profits arising to the public from the operation of loans made by Exchequer bills, and which appears to coincide with the intention of the Legislature, as expressed in the 1st and 2d William IV., chap. 33, sect. 57, and this consists in striking a balance between the total amount of interest paid by Government on the bills issued up to the given period, and that received from the debtors of the board to the like date. The profit at the foot of loan transactions, when estimated on the principle last adverted to, will appear to be much greater than under that which recognises as one of its elements a debtor and creditor interest account at 3 per cent with the Exchequer, for a reason which will be obvious. Thus, if to the amount of interest on loans made by Exchequer bills which has been actually received from parties, viz., 161,056*l.*, 13*s.* 2*d.*, we add the amount due on the 5th of January, 1845, 17,246*l.* 2*s.* 9*d*, there is a total of 178,302*l.* 15*s.* 11*d.*; from that deduct the amount of interest paid on bills issued for the same period, 86,480*l.* 1*s.* 7*d.*, and there appears a profit of 91,822*l.* 14*s.* 4*d.*; from this, however, it would be necessary to deduct bad debts, estimated at 21,836*l.* 5*s.* 3*d.*, which leaves a net profit of 69,986*l.* 9*s.* 1*d.*"

Next, with respect to railway loans. On this subject he could not, as an Irish Member, mention the name of the late Lord G. Bentinck without an expression of the deepest gratitude; because he believed that if the large and gigantic scheme which that noble Lord propounded to the House had been adopted, the result would have been equally fortunate as it had been with regard to the small and diminutive scheme which had since been adopted in its stead. He found that out of 157,200*l.* lent to the Dublin and Kingstown Railway, 99,595*l.* 17*s.* 4*d.* had been repaid, and that the balance was in course of repayment by half-yearly instalments of 3,000*l.* There was no statement in the return of any arrear of principal, and the amount of interest due was only 1,874*l.* In the case of the loans to the Dublin and Drogheda Railway, the Great Southern and Western, the Waterford and Kilkenny, and Midland Great Western, the columns for "interest in arrear" and "principal in arrear" were each filled up with the word "*nil.*" With regard to some of the recent loans to Ireland, he begged to remind the House that they had not only been forced upon the country against the remonstrances of every man of sense connected with it, but they had been spent with great prodigality. They had, therefore, excited no gratitude in return. He did not, however, dispute the generosity of Parliament even in these cases, though he certainly did blame their discretion. It had been stated that large sums of money had been paid out of the English Exchequer for the relief of the Irish poor. He denied the existence of the English Exchequer. England having by bribery obtained the union of the two countries, the two Exchequers were consolidated in 1817. There was now only one Exchequer; and when a great calamity like that of the recent famine occurred, he thought that the portion of the kingdom so afflicted had a right to look for relief from the common fund. Would it be suggested as a reason for not making further advances, that some of the districts were so poor that they were not able to pay? Surely not. No Member of that House, he was certain, would sanction the proposition, that because particular districts were distressed, all the people in them must therefore starve unaided. The House of Commons, which gave 20,000,000*l.* to emancipate the negroes, which only the other day affirmed the principle that 1,000,000*l.* a year should still be spent upon a scheme of most doubtful issue, could never refuse to advance a paltry loan to save the Irish people, whom they had for centuries so cruelly ill treated, from starvation.

Mr. F. FRENCH said, that the hon. and gallant Member for Lincoln did not seem to understand the nature of the Bill before the House. The money which it was proposed to advance was simply money that was required to make good the monstrous waste, the reckless extravagance, of the Government officers who had been intrusted with the execution of the Labour Rate Act. The people of Ireland were ready and willing, now as ever, to repay to the full extent any money that had been *bonâ fide* laid out for their advantage; but they objected, most naturally, to sanction the waste committed in every possible way by the Government officers. Contrary to the wishes of the whole country, the authorities had insisted upon superseding the ordinary guardians of the poor in Ireland, by a set of officials under their own immediate control; and the result of the appointment of these paid vice-guardians had been exactly what the country had expected. The rates had everywhere increased to the most ruinous extent, while the wants of the poor were worse provided for than before. For example, the debt of the union of Listowell, which, when the vice-guardians came into office was only 5,400*l.*, had reached, by the time they went out of office, the enormous amount of 12,000*l.*; the debt of the Galway union had in like manner increased from 7,000*l.* to 12,000*l.*; and the whole list of unions would exhibit, if examined, corresponding results. The details of their management were perfectly monstrous; he held in his hand statements showing that the abuses which they permitted were sufficient to keep a whole country in a state of pauperism; from every load of coals, for example, furnished to particular unions he could prove that 112 lb. were subtracted; while the milk, bread, and other provisions, were of the most inferior description, and altogether fraudulent in quantity. With such facts before him, he was at no loss to account for the expenditure of the advances which had been intrusted to the management of these functionaries.

Mr. R. M. FOX rose to complain of a return which had been sent in by the Poor Law Commissioners, with reference to a union with which he was connected. All he had to say of that return was, that it was a complete fiction from beginning to end, the effect of which was to make the union appear as defaulters; and though the guardians remonstrated, the commissioners refused to make the proper alteration. The fact was, that the commissioners were collecting the money as unpaid relief advances, and appropriating it to the ordinary poor-law purposes. He cordially approved of the Bill, which had been conceived in a fair and liberal spirit, and which, while it did no more than justice, he could not say fell short of it. It was important, however, that the House should examine carefully the manner in which the public money was now expended in Ireland. That money was expended now either under the Commissioners of the Board of Works, or the poor-law authorities, in both of which departments he believed there was room for economy.

Mr. P. SCROPE hoped the House would remember that vice-guardians had only been appointed when the elected guardians had failed to perform their duty, and to give relief even when the lives of the poor had been in danger from the intensity of the famine. So far from wishing this Bill postponed, he regretted that it had been so long delayed; at the same time he must protest against the manner in which the money had been expended in the distressed unions. The proper course would have been to have made the unions self-supporting by employing the poor in profitable works; but the plan which had been pursued was to keep them in idleness, or, if employed at all, employed only in works of a perfectly unproductive and useless character. During the time he was in Ireland he had seen grass growing upon the heaps of stones, and in some instances crops of potatoes on the stones, which those who received relief had been employed in breaking. Surely that was not a wise or sensible appropriation of public money. [*Cries of* "Question!"] The question was—should they vote 300,000*l.* to pay the debts of certain distressed unions, and spread over forty years the repayment of the money already advanced? And that was a question requiring their serious consideration. He had selected eleven of those unions, four in Clare, five in Mayo, and two in Galway—these he found had expended in the relief of the poor during the two years ending December, 1849, 725,000*l.*, of which sum the unions themselves had contributed only 250,378*l.* The remainder, nearly half a million, had either been made up already, or was to be made up, from the pockets of the ratepayers of England, or those who contributed to the rate in aid. The objection he had always raised to this mode of spending money was, that it was not only wasteful and improvident, but was forestalling the resources of the country. What could be a more insane or suicidal mode of relieving distress than by keeping the recipients of such relief in idleness, or employing them in useless works? In the Limerick union last year—certainly not one of the worst administered in Ireland—where there was a debt of 61,000*l.*, there being at the same time 12,000 paupers in the workhouse, of whom 9,358 were ablebodied, 6,600 of them being ablebodied adults—when he visited that union at six o'clock on a fine afternoon last summer, how did the House suppose he found those ablebodied paupers employed? Why, they were all in bed, though they had done nothing during the day in the shape of work. Could there be a more unwise, improvident, or demoralising system of giving relief? Why not expend the money which the relief cost in employing these persons profitably in reclaiming waste lands, making roads, arterial drainage, or other permanent improvements? But it was the opinion of the poor-law authorities that the more useless and unproductive the works on which the poor were employed, the better. His object was not to oppose or delay the Motion for going into Committee, but to urge upon the House that before more money was expended they had better decide upon the mode in which it should be applied, and do so in time.

Mr. MONSELL wished to be allowed to make one observation. After the charge which the hon. Gentleman had made against the Limerick union, in consequence of finding the ablebodied paupers in the workhouse all idle and in bed at six o'clock in the evening, the House would perhaps be surprised to hear that the only day on which the hon. Gentleman who had just sat down had visited the workhouse in that union was a Sunday; and he thought the House would be able to see whether there was any ground for his strictures on the Limerick guardians, when they found him complaining that they had sent the paupers to bed, instead of employing them in the cultivation of the land, at six o'clock in the evening on a Sunday.

Colonel DUNNE was of opinion that this grant was needed in consequence of the maladministration of the poor-law in Ireland. In his opinion the cause of the distress which prevailed in many of those unions was entirely owing to the maladministration of the law by the Government officers. In some instances the effect of their bad management had been to increase the expenditure double and treble. The fault was not with the Irish landlords or the elected guardians, and this was sufficiently proved by the fact, that during the time that thirty-three unions had been under the official guardianship of the nominees of the Government, the taxes for the relief of the poor in Ireland had reached over 2,000,000*l.*, and that, too, at a time when provisions had been lower in price than in any previous year. It was also a matter worthy of remark, that the expense of the administration of the poor-law under the paid guardians, had been far greater than under the elected guardians.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 132; Noes 12: Majority 120.

Main Question put, and agreed to.

The House then went into Committee.

Clause 1.

Colonel DUNNE suggested that after the words "unions," the words "electoral divisions within those unions" be inserted.

The CHANCELLOR of the EXCHEQUER believed it was ascertained, when the Bill was prepared, that no such words were necessary. The debts were due from the unions, though as between the several electoral divisions, particular electoral divisions might be the parties who were to pay. In such a case, when the debt should be discharged out of this 300,000*l.*, it would be due from the electoral division to the Government. However, he would take care that inquiry was made whether there was any doubt upon the point.

Mr. P. SCROPE wished to know how the advance of 300,000*l.* was to be apportioned among the distressed unions of Ireland, as he understood that their liabilities amounted to 513,000*l.*?

The CHANCELLOR of the EXCHEQUER said, it was with great pleasure he informed the hon. Gentleman that, on the 31st December last, those liabilities were reduced to 392,000*l.*; and, therefore, looking to the efforts that were still in progress, he had great hope that this advance of 300,000*l.* would extinguish all the remainder of the liabilities. The debts of what were called the thirty worst unions amounted to from 250,000*l.* to 270,000*l.*, which would leave from 30,000*l.* to 50,000*l.* of this advance applicable to the debts of electoral divisions in some of the other unions. The money would be placed at the disposal of the Poor Law Commissioners, acting through the poor-law guardians in each union, who would examine into the debts charged against the unions, and strike off what appeared to be exorbitant charges. He had certainly no idea that the penalties insisted upon by some of the contractors would be allowed.

Mr. STAFFORD complained that the expenses incurred by many of these unions had been increased by the delay in passing this Bill, because they might have been able to purchase food cheaper elsewhere if they could have discharged their liabilities with the present contractors. The right hon. Gentleman the Chancellor of the Exchequer had talked of poor-law guardians and poor-law commissioners; but, in fact, these were mere cyphers, who had no other business than to execute the orders of a central authority, and the Bill was nothing more than an attempt to place the whole rateable property of Ireland, where debts had been contracted to the poor-law, under the hands of Sir Charles Trevelyan.

Clause agreed to.

Clause 2.

MR. P. SCROPE wished to know how much money had been advanced on loan to Ireland since the famine?

The CHANCELLOR OF THE EXCHEQUER said, the whole sum amounted to 4,335,000*l.*, of which the sum of 100,000*l.* had been repaid, leaving still due the sum of 4,235,000*l.*, which, with the 300,000*l.* now proposed, would make the total liability of Ireland, 4,535,000*l.*

Clause agreed to.

Clause 3.

MR. STAFFORD again complained of the unlimited discretion with which this clause invested the Treasury, both in making the advances and in arranging the time of repayment, and under which the grossest partiality might—he did not say would—be practised. This was a power greater than any Government had ever asked before.

The CHANCELLOR OF THE EXCHEQUER admitted that the powers were anomalous, and he should be very glad if any scheme could be devised to take them out of his hands. He had done his utmost to discover some rule which might be laid down that would be applicable to all cases, but he found it was impossible; and he did not see any other way in which they could deal with the vast variety of cases that existed in Ireland, but to leave it with the Treasury.

MR. CLEMENTS thanked the Government for the measure then before the House, for he believed it would do much to raise the country from its present state of prostration, and make the poor-law work better than ever. Under the Labour Rate Act, twenty years was the time allowed for the repayment of advances; but since that period, the Treasury had arranged that the greatest limit of time should be given to the unions which were in the most distressed condition. He believed that if only forty years were given to unions such as Clare and Limerick, other unions would be grievously disappointed, and that the Bill would not be considered in the light of a boon.

MR. MONSELL said, the fact was, that in Ireland, honesty had been found to be the worst policy. He knew cases of his own knowledge, where unions had been screwed to the uttermost, and rates to the amount of 14*s.* had been paid. In such cases no money was received from the Treasury, while in neighbouring unions not more than 2*s.* in the pound was levied, but by having noisy guardians, noisy inspectors, or perhaps noisy Members of Parliament, large sums were received from the Treasury. To prevent the like partiality shown in allowing time for repayment, he would suggest that a uniform rate of 6*d.* in the pound should be levied upon each townland equally for repayment of that portion of the debt due by it.

COLONEL DUNNE was also anxious that some scale should be laid down. He had known unions where from 10*s.* to 14*s.* were levied for their own poor, afterwards assessed to the rate in aid for the benefit of unions that had hardly paid anything.

MAJOR BLACKALL was also in favour of a uniform rate of 6*d.* in the pound on each townland, though he was aware that that would not, in some very distressed cases, repay the whole debt in forty years.

The CHANCELLOR OF THE EXCHEQUER thought the proposition of the 6*d.* rate mentioned by the hon. Member for the county of Limerick, a very good one, and he would be very glad to see it adopted; but he was precluded from inserting it in the Bill.

LORD NAAS said, that the power given to the Treasury was the matter now before them, and the question was not one of payment, but of liability.

MR. G. A. HAMILTON proposed an Amendment for the purpose of clearly defining the proportion to be borne by each townland in the union or electoral division, which was adopted by the Chancellor of the Exchequer.

VISCOUNT BERNARD suggested that it would be of advantage if the term of forty years was adopted decisively by the Act, leaving it to any union to apply for leave to repay the annuity in a shorter period if they pleased. He thought the working of the clause would be much better left in the hands of the Poor Law Commissioners than in the Treasury.

MR. CLEMENTS said, that he agreed so entirely with a suggestion made by the noble Lord the Member for Bandon, that he should move an Amendment in order to prevent the Commissioners of the Treasury from having the power of shortening the duration of the debt at their own mere will and discretion, and to give power to the guardians to elect a shorter time than forty years for repayment, should they find themselves in a position to discharge the debt sooner.

Amendment proposed, page 4, l. 10,

to leave out all the words from the words "payable for" to the word "And" in line 13, in order to insert the words "forty years,"—instead thereof.

Lord NAAS urged the Government to consent to give the full period of forty years for repayment of advances, unless the guardians themselves should wish for a shorter time.

The CHANCELLOR of the EXCHEQUER declined to accede. He thought the request unreasonable, seeing that the Government were giving so much.

Lord J. RUSSELL said, that when he proposed the Bill, he never thought it would have been treated in such a manner. It was intended as a means of giving relief to Ireland, and it was treated as if the Government wanted to gain an advantage by it. The power given in the third clause to the Government, to extend the period for repayment of the advances to forty years, if necessary, was considered by them to be a very great relief. Yet the whole Bill seemed to be considered rather as an injury than a benefit. He did not think that that was the spirit in which the Bill should have been met by Irish Members.

Mr. STAFFORD assured the noble Lord that he was quite mistaken in supposing that the Bill had been received in any other manner, or viewed in any other light, than as a relief. But there were two evils which they had to contend with. They had, in the first place, a poor-law which had completely broken down in thirty unions, and they wanted to avoid giving to the central board of the poor-law more power than was necessary. They had suggested, with that object, two Amendments. One, proposed by the hon. Member for the University of Dublin, to settle the proportionate amount to be levied upon each townland; and the other, which was under discussion, by the hon. Member for Leitrim, to fix the time for repayment of advances. There was nothing inimical in those propositions.

Mr. G. A. HAMILTON thought that the Government had gone a great way in bringing forward this Bill, and that the people of Ireland had a right to be grateful to them for it. Some parts of Ireland, which had not suffered the pressure of distress to so great a degree as others, were ready to repay their advances within a shorter time; but it would be satisfactory to the more distressed districts to know that a further extension of time would be granted to them.

Major BLACKALL opposed the Amendment. It appeared to him that if it were carried, the Treasury would be placed in the position of being obliged either to make the advance, or, if the case appeared at all doubtful, to refuse it altogether. Now he thought it would not be well to have a union refused altogether.

Mr. SCULLY supported the Amendment. Whatever might be the case with the very distressed unions in the west of Ireland, he did not think the Bill, as it stood, was so well fitted for the unions of Tipperary as it would be if the Amendment were carried.

The CHANCELLOR of the EXCHEQUER asked the hon. Gentleman to name an instance in which the Treasury had dealt harshly with a union in Tipperary.

Mr. SCULLY said, that the Poor Law Commissioners had summarily dismissed a board of guardians, and appointed paid guardians in their stead, merely because they refused to strike a rate for repayment of advances, which they did not think the union was in a condition to pay. And, as a proof that they were right, the paid guardians themselves did not attempt to strike a rate for the purpose.

The CHANCELLOR of the EXCHEQUER said, that that was no answer to him. It was not a case in point. They were discussing the leaving in the hands of the Commissioners of the Treasury the power of exercising their discretion in cases of advances to distressed unions, as to the time which they would allow for repayment. It had nothing to do with the case mentioned by the hon. Gentleman.

Mr. ROCHE believed that the moral effect of this Bill had been exceedingly good. Many acres of land had been taken into cultivation that but for the introduction of this Bill would have remained untilled. He trusted the Government would reconsider the proposition of the hon. Member for Leitrim. It was expected that forty years would be allowed throughout Ireland for repayment under the provisions of the Bill, and the beneficial moral effect would be greatly diminished if it were found that this was not the case. If the present Ministry were to remain in power during the forty years, he might be content to leave it to their discretion to demand the repayment. But the Bill did not extend the time of repayment for a single year, except at the discretion of the Treasury.

Question put, "That the words proposed to be left out stand part of the Question."

The Committee divided:—Ayes 85; Noes 31: Majority 54.

Clause agreed to, as were Clauses 4, 5, and 6.

Clause 7.

MR. MONSELL wished to be informed what had been done by the Poor Law Commissioners towards erecting additional workhouse accommodation in Ireland.

MR. STAFFORD, before that question was answered, desired to put the right hon. Gentleman the Chancellor of the Exchequer in mind of the strong remonstrances which had been forwarded to the Government by the Limerick union, against any alteration of their ancient boundaries. In return for the generous way in which that union had relieved the necessities of the poor during a period of great distress, he hoped that the Government would accede to their earnest supplications for the preservation of their ancient limits.

MR. H. A. HERBERT made a similar request on behalf of the unions of Listowel and Tralee.

MR. F. FRENCH wished to call the attention of the Chancellor of the Exchequer to a hardship in the operation of the poor-law in Ireland, which he was afraid there were no legal means of remedying. At the time that the electoral divisions were altered, there happened to be some townlands which were within a union on which a rate of 3*s*. had been struck for the relief of the poor; those townlands were then joined to another union, in which, shortly after the change, another rate of 4*s*. 6*d*. was struck, and to which those townlands of course would be subject.

The CHANCELLOR OF THE EXCHEQUER said, that, with regard to the first question which had been put to him as to the building of additional workhouses, he entirely concurred with the hon. Member for the county of Limerick that nothing was so essential, he would not say so desirable, as the erection of workhouse accommodation for all the unions which had recently been formed. He could not give the hon. Gentleman any very recent information as to what had been done in that respect by the Poor Law Commissioners, but he hoped to receive information from the Commissioners in a few days. But this he knew, that up to March 31 the Government had supplied the Commissioners with all the funds that they required for erecting additional workhouses. With regard to the case of alleged hardship mentioned by the hon. Member for Roscommon, his answer was that the townlands in question could not eventually suffer from the infliction of double rates, as the first rate was levied for expenses already incurred by them, and the second was for money that would be expended by the union for the relief of the poor in those townlands.

MR. FRENCH: The right hon. Gentleman had no right to assume that the first rate was levied for past expenditure. He did not think it was just to call upon the townlands under such circumstances to pay double rates.

Clause agreed to, as were also the remaining clauses.

House resumed.

Bill reported; as amended to be considered on Monday next.

KING'S ROAD, EATON SQUARE.

On the Question that the House resolve itself into a Committee of Supply,

SIR J. PAKINGTON rose to put the question of which he had given public notice to the hon. and learned Attorney General, with regard to the part which he had taken in the differences which had arisen between the Trustees of the Grosvenor-place district and the Marquess of Westminster, as to the repair of the highway known by the name of the King's-road, Pimlico. The state of that road had become a most intolerable nuisance to that portion of the public who resided in that part of London, and he had to state, on the part of the ratepayers who reside in that district, that in their judgment they had to complain of a very serious grievance. He, therefore, considered that he was taking a perfectly proper and constitutional course in availing himself of that occasion, on the Motion for a Committee of Supply, to address to the hon. and learned Attorney General the question which he intended to propose to him. He wished the hon. and learned Gentleman to understand distinctly that he (Sir J. Pakington) did not then come forward as one of the trustees of the district in question. He had nothing to do with the trustees. He was no party to anything that they had said or done. The position in which he wished to put this question to the hon. and learned Gentleman was as a ratepayer of that district. In that character he had no hesitation in saying—and he believed he spoke the sentiments of his fellow-ratepayers—that he considered himself to be directly aggrieved by the conduct of the

Marquess of Westminster in reference to the road in question. He was glad to see the noble Lord the Member for Chester in his place. He begged to assure him, that in what he might say, he did not mean the slightest discourtesy to the Marquess of Westminster when he said frankly, that as a ratepayer, he considered himself to be aggrieved by that noble Lord. He would not venture to use that expression if he was not supported in that opinion by the very high legal authorities which he should proceed to state to the House.

MR. ANSTEY: Mr. Speaker, I certainly must rise to order. When I did not interfere between the hon. Member for Glasgow, and the exercise of his discretion as to giving way with respect to his Motion, I certainly did understand that the hon. Baronet would shortly state his question. He is now going into a long statement of circumstances which will entitle the two noble Lords to whom he has alluded, to reply, or at least to make comments on his statement. I, therefore, having a Motion on the paper next to that of the hon. Member for Glasgow, must certainly protest againt the hon. Baronet entering into such a statement as will prevent me from bringing forward my Motion.

MR. SPEAKER: The hon. and learned Member will not be prevented from bringing forward his Motion after the hon. Baronet has proposed his question.

MR. ANSTEY: There will be no time.

SIR J. PAKINGTON: He was very sorry to be obliged to delay the Motion of the hon. and learned Gentleman. He was about to say that the origin of this dispute was an agreement that was entered into in the year 1820, between the Marquess of Westminster and the Crown, by which an exchange was made of the then existing King's-road, as it was called, for that large thoroughfare now known by the same name, which passed through Eaton-square. It was a most important advantage to the Marquess of Westminster to have become possessed of the old King's-road. All who were acquainted with the district must be conscious of the very great advantage which the Marquess of Westminster derived from that exchange. He had been thereby enabled to build the north side of Eaton-square, which, as the House was well aware, contained one of the handsomest range of residences in this or any other metropolis. The row of mansions on the north side of Eaton-square were built upon the site of the old King's-road. In order to be enabled to build that row of mansions on the old King's-road, the Marquess of Westminster effected an exchange with the Crown, by which he transferred to the Crown what was now the present King's-road; and the condition upon which that exchange was made was, that the Marquess of Westminster should undertake for himself and his heirs to complete that line of road, and maintain it for ever thereafter for the use of the King, his heirs, and successors, and for the use of the said Marquess, his heirs, and successors, and all other His Majesty's subjects. In 1820 the Crown abandoned the old King's-road as a private road, and the roads of that neighbourhood were at the instance of the Marquess of Westminster committed by Act of Parliament to the management of the trustees of the Grosvenor-place district. In perfect ignorance of any covenant between the Marquess of Westminster and the Crown, the trustees repaired that road for about three years, at the end of which they discovered the existence of that covenant. They consequently ceased to repair the road, and a negotiation with the noble Marquess took place, and to this very important point he wished to call the attention of the hon. and learned Gentleman. In consequence of that negotiation the late Marquess of Westminster, after having investigated the circumstances, made an arrangement with the trustees by which he paid to them 150*l.* per annum for the repair of the road, and he continued to do so till the time of his decease, in 1844. Upon the decease of the late Marquess of Westminster, the trustees continued to repair the road, presuming that of course they were to receive the usual payment of 150*l.* a year. After the lapse of some time, the present Marquess of Westminster refused to continue the payment. In consequence of that refusal, the trustees thought it necessary to take counsel's opinion. They consulted two of the most eminent counsel, namely, Mr. Watson, Q.C., and Mr. Hay. Those gentlemen were of opinion that the Marquess was liable to repair the road in pursuance of the provision of the indenture of 1820. They then went on to say that in their judgment the trustees would hardly be justified in continuing to expend the money of the ratepayers in repairing the road without making an attempt to enforce the obligation to repair on the part of the Marquess created by the deed of 1820.

They then proceeded to say that in order to enforce that covenant it would be necessary to obtain the permission of the Crown to bring an action against the Marquess of Westminster. After that opinion the trustees proceeded to lay the same case before two other most eminent counsel—the Attorney General and the Solicitor General. He must beg to recall the attention of the hon. and learned Attorney General to the opinion of himself and the Solicitor General. [The ATTORNEY GENERAL: I am quite aware of it of course.] That opinion was to this effect:—

> "*Primâ facie*, the parish is bound to repair the road; but the Marquess of Westminster is also liable to the Crown upon his covenant to repair. This covenant can only be enforced by the Commissioners of Woods and Forests, in whose name the trustees would have to sue. The trustees ought to apply to the commissioners for permission to sue upon the covenant in the name of the commissioners."

In consequence of that opinion the trustees made application to the Commissioners of Woods and Forests; but it was found upon investigation that the Attorney General and not the commissioners was the proper party to sue the Marquess. The trustees again took legal advice as to the course which they should pursue, when they were of course advised that they should apply to the Attorney General for his permission to sue. The hon. and learned Attorney General sent this answer:—

> "Temple, Oct. 24, 1849.
>
> "Sir—With reference to your application on behalf of the trustees of the Grosvenor-place district for liberty to sue the Marquess of Westminster in my name for the purpose of enforcing a covenant entered into by the late Marquess with the Crown for the repair of a part of the King's-road, I have to inform you that, having considered the circumstances mentioned in your memorial, I must decline to allow you to use my name for that purpose. The covenant was evidently intended to relieve the Crown from any liability which might accrue by reason of the alteration of the line of road, and not for the benefit of the public at large. The road being now open to the public without obstruction, should be repaired by the trustees, in the same way as other roads within the limits of their jurisdiction.—Your obedient servant,
>
> "JOHN JERVIS.
>
> "A. M'Arthur Low, Esq., 65, Chancery-lane."

Now, he (Sir J. Pakington) must express the extreme surprise with which he read the words, that this covenant was not intended for the benefit of the public at large. He had just read all the words of the covenant, in which the Marquess of Westminster and his heirs were bound to repair the road for ever, for the benefit of His Majesty and all His Majesty's subjects. The answer of the hon. and learned Attorney General then proceeded thus:—

> "And the road being now used for the benefit of the public should be repaired by the trustees in the same way as the other roads within the limits of their supervision."

That answer was dated the 4th of October, 1849. The trustees held a meeting to consider the circumstances, and at that meeting they passed a resolution, in which they declared that the Attorney General's reasons did not appear to them to be well founded, or consistent with the opinion of himself and the Solicitor General; and they therefore determined to renew their application to the hon. and learned Gentleman for his permission to sue the Marquess, and they addressed to him a letter, requesting his permission to bring such action. The Attorney General sent them a much more extended answer; he would not trouble the House by reading the whole of it, but there were two passages in it to which he must beg to recall the hon. and learned Gentleman's attention. He said—

> "The Committee is mistaken in supposing that there is any inconsistency between the opinion given by myself and the Solicitor General, that the Marquess is liable to the Crown upon the covenant to repair, and my refusal to enforce that covenant."

The hon. and learned Gentleman went on to make use of what he (Sir J. Pakington) must describe as a very remarkable expression, for he spoke of there being a vast difference between the existence of a legal liability and the propriety of enforcing it. There was something he must say in that expression of which he felt himself called upon to require from the hon. and learned Gentleman a public explanation. It did not appear to him (Sir J. Pakington) that it was for the hon. and learned Gentleman to take upon himself to decide, when parties were at issue upon a point of law, and were seeking to litigate it, the propriety of allowing that question to be decided by the proper legal tribunal. The ratepayers of the district felt that the Marquess of Westminster did derive a great direct pecuniary advantage from the exchange. They had the authority of the hon. and learned Gentleman himself that the Marquess was liable to the repairs, and they were, therefore, surely entitled to some voice on the question with regard to the propriety of enforcing that liability, a fact which the hon. and learned Gentleman did not for a single moment attempt to contravene. Then the hon. and learned Gentleman proceeded in his answer to state his reasons for refusing the use of his name. One of those reasons was that the trustees of the Grosvenor-place district had obtained an Act of Parliament with respect to the repair of this road; but that was an error; it was obtained by the Marquess of Westminster himself for the benefit of his own estates. In consequence of these repeated refusals on the part of the hon. and learned Gentleman, the trustees determined to apply for relief to a court of equity, and they laid their case before Mr. Rolt, Q. C., one of the most eminent members of the Chancery bar. Mr. Rolt said—

> "There is no appeal to any legal tribunal from the decision of the Attorney General refusing his name to sue the Marquess of Westminster on the covenant in question."

After discussing the legal merits of the case, Mr. Rolt proceeded to say—

> "Although the legal remedy is thus doubtful, I am of opinion, on the facts before me, that the advisers or officers of the Crown will do an act of injustice to the ratepayers of this district either by attempting to release the Marquess from the operation of the covenant, or by refusing to sue upon it. I cannot understand what is meant by saying that a covenant by a private individual with the Crown, making that individual for ever maintain a road for the use of all the subjects of Crown, was not intended for the benefit of the public at large."

He (Sir J. Pakington) begged to say that as far as he could form an opinion, he entirely concurred with Mr. Rolt in thinking that the Attorney General's refusal would be an act of injustice to the ratepayers, and it was that act of injustice that he now wished him to explain. Mr. Rolt concluded thus:—

> "I advise the trustees to lay the matter again before the Attorney General, and to attend him either personally or by counsel. It is probable that the case has not been fully presented to him. If he should still decline to allow his name to be used, then, after the experiment of a suit in equity, the only course for the trustees to take will be to appeal to the Government or the Legislature for their assistance."

An appeal to the Government had been made. The trustees intended to wait upon the noble Lord the Prime Minister, but he declined to receive a deputation upon the subject. He should not blame the noble Lord for that decision. The noble Lord considered that a point of law was at issue, with which, as a Member of the Government he had nothing to do. He (Sir J. Pakington), therefore as a ratepayer of the district, was prepared to act upon the latter suggestion of Mr. Rolt, and to appeal to the Legislature on the subject. But he preferred making that appeal not in the shape of a direct Motion, but by way of an earnest request to the hon. and learned Gentleman, that, considering the broad justice of the case, he would reconsider his decision, and that he would not persevere in his refusal to allow these parties to go into a court of law. He believed that the noble Marquess himself was anxious to have the matter settled by a legal tribunal. He was not disposed to think that the noble Marquess was desirous of shrinking from his legal obligation.

Mr. ANSTEY rose to order. He begged to ask whether the argument they had been hearing for the last half-hour came within the definition of a statement?

Mr. SPEAKER: The hon. and learned Gentleman has been in the House long enough to know that upon the question that the Speaker do leave the chair on going into Committee of Supply, any hon. Member may bring forward a question of what he considers to be a special grievance. While the hon. Baronet was speaking on such a question, it would be very improper for me to interfere.

Mr. ANSTEY, still speaking on the question of order, wished to ask whether, having given notice of a Motion on the question of the Speaker leaving the chair, and having distinctly stated that although the hon. Member for Glasgow gave way, he (Mr. Anstey) did not, he had not a right to precedence over the hon. Baronet?

Mr. SPEAKER: If the hon. Baronet had signified his intention to conclude with a Motion, then no doubt the hon. and learned Gentleman ought to have precedence over him; but the hon. Baronet having stated that he only intended to put a question, I do not think that I ought to interfere.

Sir J. PAKINGTON hoped that it would be some consolation to the hon. and learned Member to know that he had nearly concluded. In consequence of the advice of Mr. Rolt, an interview took place between that learned Gentleman and the Attorney General; and here he desired to direct the attention of the House to an expression of the hon. and learned Gentleman. He said that in questions of a social character they should take care that in enforcing the letter of the law, they did not inflict hardship on individuals. In his opinion the hon. and learned Gentleman did not sufficiently bear in mind the hardships which were inflicted on the ratepayers. The hon. and learned Gentleman said, also, that a court of law would not travel out of the record before them; but that, as his decision should be final in the case, he was bound to look to all the circumstances of the case. [*Cries of* "Question!"] He would not detain the House much longer; he was very sorry for having detained it so long, but he did not think that they had any right to complain at his bringing forward this question at such a length as would make it intelligible, affecting as it did the rights and privileges of the subject. He appealed to the noble Lord at the head of the Government, as a constitutional statesman, whether he was prepared to give his approbation to the principle, that it was right there should be any authority which might interfere to debar any portion of Her Majesty's subjects from making an appeal to a court of law to decide the merits of what they conceived to be a grievance? It did appear to him that this was a very serious case. The ratepayers were aggrieved by the Marquess of Westminster. They were desirous of going to law to remedy the injustice—they were supported by the opinions of the most eminent counsel in their favour. Mr. Watson, the Attorney General, and Mr. Rolt, had all declared that the Marquess of Westminster was liable. They desired to go into a court of law to prove that liability; but the Attorney General refused them the use of his name, and he was at a loss to conjecture what answer he would give; and how explain his conduct. [Mr. ANSTEY: Question, question!] He was not disposed to detain the House much longer; but if the hon. and learned Member for Youghal persisted in his uncourteous interruptions, he would proceed at greater length than he originally intended. He was informed by good legal authority that the indictment which was now pending would not raise the question of the liability of the Marquess of Westminster. He would conclude by asking the hon. and learned Gentleman to make a public explanation on what grounds it was that he debarred the ratepayers from their undoubted right, and whether he intended, as the first law officer of the Crown, to persevere in his refusal, and lend his name as it had been desired.

The ATTORNEY GENERAL said, it would be inconvenient to enter into a general statement of the grounds of his decision, especially as an indictment was now pending against the trustees for the repair of the road. But as the hon. Baronet was manifestly in want of information, he would partly answer his question. He did not complain that the hon. Baronet had not given notice of his question on the Votes, as he had personally conveyed to him (the Attorney General) his intention of putting it. But the circumstance of its not being on the Votes, might have precluded some hon. Members who wished to make a statement on the subject from doing so.

SIR J. PAKINGTON said, the hon. and learned Gentleman was very grievously misrepresenting him. He had given notice of this question before the holidays; it was upon the books; and he had now put the same question. He had given public notice, on the first night after the holidays, that he intended to renew this question on the next supply day. He had explained the accidental omission, by the clerk at the table, of his notice from the book; it ought to have been there; but he had last night given the hon. and learned Gentleman notice that he should put this question.

The ATTORNEY GENERAL said, he had not complained of what the hon. Baronet had done, nor had he at all misrepresented him. He found a notice on the paper, on the Monday after the holidays, that the hon. Baronet would put this question, which had been stated to him verbally that day and the day before. What he had stated, and would again repeat was, that it might possibly be inconvenient to those who wished to say something on this question, that the notice had not appeared on the Votes; but that might not be the fault of the hon. Baronet. He was very glad to find that his hon. Friend disclaimed any participation in the "statement" which had been drawn up and circulated amongst all the inhabitants; and that there might be no mistake, two copies had been sent to himself. Anybody who knew his connexion with the city of Chester, knew that he was not assailable on that charge at least; and those who made the statement, or believed it, without taking the trouble to ascertain the facts, were utterly beneath his contempt; and, therefore, he would say no more about it. He quite agreed with his hon. Friend that the ratepayers had a very great grievance to complain of. He was a ratepayer in the district, and was open to the same grievance; living two or three doors from his hon. Friend, he thought he had a very great grievance to complain of. Their grievance was fourfold. He was particularly aggrieved that the new road in the centre of Eaton-square was not watered, on account of the dust; he was extremely aggrieved by its not being lighted, and being therefore made a resort and receptacle of everything that was improper; he was greatly aggrieved likewise at its not being cleansed; and also because it was not repaired. Now, whatever doubt there might be as to one of those liabilities, between the Marquess of Westminster and the trustees, there was no question whatever that the trustees had taken upon themselves by Act of Parliament the imperative liability to light, water, and cleanse the road; and because the Marquess of Westminster would not repair, they would not do the other three things. The hon. Gentleman, if he would forgive him for saying so, had misunderstood the whole question. The question between the Marquess of Westminster and the trustees was, who was legally bound to keep the road in repair. The Marquess alleged that though it was true he entered into a covenant with the Crown to keep the road in repair, yet the road having been made public he was not bound to do so—that if he attempted to set up any exclusive right to it, he would be liable to be driven off by the public. The trustees, on the other hand, said he was bound by the covenant, and that the road should be repaired by him. Now, if he brought an action on the part of the Crown, he must do so on the covenant, and there could be no defence whatever. There must be a verdict for the Crown, whatever the damages might be, whether they were nominal or not. The only question was whether the Crown should bring such an action. He had come to the conclusion that it ought not to do so. He had come to that opinion according to the best of his judgment; and he should feel that he was unfit for the office he held, if he arrived at a different conclusion because the trustees might be dissatisfied with his decision. But having come to that decision without any communication with the Marquess of Westminster, he was pleased, after his opinion and final determination had been come to, by receiving from the agent of the Marquess, a confirmation of that opinion on the part of the present Chief Baron of the Exchequer, the present Chief Justice of the Queen's Bench, and Mr. Crompton, all of whom concurred with him that no proceedings could be taken. He believed the hon. and learned Member for Plymouth, and the hon. and learned Member for Pontefract, also concurred in the view which he took. He was in the position of a judicial officer on this question, and it would not be right for him to enter into the grounds upon which his decision rested, and therefore he was not going to argue the question again. He arrived at the decision on the responsibility of the position he held; and, even if that decision was wrong, he could not help it.

Mr. GRENVILLE BERKELEY wished to know from the hon. and learned Gentleman, as one of the trustees, how they could now get out of the scrape?

The ATTORNEY GENERAL said, that he had had the misfortune to get into some difficulty, by giving a professional opinion. He must, therefore, decline to give an unprofessional one now.

Viscount CASTLEREAGH disclaimed the intention of casting any imputation on the hon. and learned Gentleman; but the conduct of the hon. and learned Gentleman had been severely critised by the board of trustees, and many of the gentlemen of that board were in the habit of calling things by their right names—[*laughter*]—he meant by harsh names. He believed that the right hon. Gentleman in the chair had suffered from the grievance, and that even the Crown had not been insensible of it. The trustees had done their best, and acting under the opinions they had received, they had endeavoured to procure the hon. and learned Gentleman's sanction to a proceeding at law; but the hon. and learned Gentleman had declined, and at the same time gave them no reason why he would prevent them from bringing the question before a court of law. He would ask whether, henceforward, in England there was to be an officer who should prevent any one of Her Majesty's subjects from bringing a question before a court of law. If so, there was no law, no liberty in England. He was astonished to find the hon. and learned Gentleman, whom he remembered as one of the most gallant and distinguished advocates for liberty in former days, now coming forward in a most despotic manner, and saying he had given his opinion upon the subject, taking, indeed, a view of it which was not sanctioned by four or five eminent Queen's Counsel. Mr. Rolt, in very gentle terms, in his opinion, on the question, speaking of the hon. and learned Gentleman, said, "it is very probable that the case has not been fully prosented to him." He had never heard any thing half so severe as that little hint of Mr. Rolt's. He should be extremely sorry to come forward and assert that the hon. and learned Gentleman had not given the trustees the power of going into a court of law; but as it was they must suffer under what he must consider was nothing less than tyranny and despotic conduct. He grieved to say there was a general impression, that the hon. and learned Gentleman had rather acted on a preconceived impression, and given a decision from which he did not now like to depart.

MR. S. MARTIN said, as one of the ratepayers of this district, he had read a vast number of papers that had been submitted to them, and he should be ashamed of himself if he did not rise and state to the House that, having read those papers, he believed his hon. and learned Friend the Attorney General would have been guilty of a most gross dereliction of duty if he had permitted his name to be used for the purpose for which the trustees required it. If the noble Lord would apply himself to what was the real business and duty of the Attorney General, he would see that it would have been a great injustice that the Attorney General should so lend his name as was desired.

VISCOUNT CASTLEREAGH said, he had applied himself to this question; he did not want the law, but he wanted permission to go to law.

LORD R. GROSVENOR said, that he doubted whether, after what had passed, it was necessary for him to say anything upon the subject now before the House. As, however, the name of his noble relative had been so much in question, he thought he might be permitted to give the House the opinions of three very eminent lawyers upon the case, in order to show that the Marquess of Westminster had not acted upon light grounds in the decision to which he had come. The noble Lord then read the following opinions of Sir F. Pollock, Lord Campbell, and Mr. Crompton:—

"I am of opinion that the Marquess of Westminster cannot be deemed liable to repair the road, either at the suit of the Crown or any other party. I think there is no pretence for considering the Marquess liable as between him and the public; the only ground upon which any liability rested was the covenant to repair given to the Crown and the commissioners; and this, I consider was abandoned when the Crown gave up the road to the public. In my opinion no indictment would lie, and a court of equity would restrain any action on the covenant. The road ought to be repaired by the parish in which it lies, or by the body on whom that duty has devolved by any Act of Parliament. "F. POLLOCK.

"Temple."

"I am of opinion that the trustees are compellable to repair the road in question. The liability cast upon them by the Act passed in 1826 is not affected by the Marquess of Westminster's covenant contained in the deed of 1820. There is no pretence for calling upon him to keep it in repair for all the heavy waggons which may travel upon it in consequence of the Woods and Forests, with the concurrence of the Treasury, having entirely surrendered the King's Road to the public.

"Temple." "J. CAMPBELL.

"I concur in the opinions that have been given as to the Marquess of Westminster being under no liability to repair the road in question.

"Temple." "C. CROMPTON.

[Viscount CASTLEREAGH: What was the date of those opinions?] The opinion of Sir F. Pollock was given in 1833; that of Lord Campbell in 1835, and Mr. Crompton's in 1840. It was a matter of great regret to his noble relative that his tenants and the inhabitants of that district had been put to so much annoyance, and he had felt it so much that, contrary to the strenuous wishes of his advisers, he had offered to pay an annual sum as a compromise, which had been refused by the trustees. He would only add, in conclusion, that he could most conscientiously confirm all that had been said by the hon. and learned Attorney General, as well in regard to his position as representative for the city of Chester, as to the entire absence of communication of any description between himself and the persons interested on behalf of his noble relative.

LORD C. HAMILTON regretted the view taken by the hon. and learned Member for Pontefract. It was on the ground of such eminent men as the hon. and learned Member and others holding different opinions on the subject, that he and many other inhabitants of that neighbourhood were anxious to appeal to that which he had always conceived to be the right of a British subject—the power of trying a great question in the public courts. Mr. Rolt had given his opinion against the noble Marquess; the Attorney General for him. Why not, then, allow the matter to go before a tribunal which no influence, authority, or bribery could warp? He must say that he considered the conduct of the Attorney General in this case as harsh and arbitrary, and a great grievance, of which the public had a right to complain. It was worthy of remark, that, since the opinions of Lord Campbell and Chief Baron Pollock had been given, the one seventeen and the other fifteen years ago, the Marquess of Westminster had continued to repair the road in the way in which it had been previously repaired.

Subject dropped.

SUPPLY—STAMPS ON MARINE ASSURANCES.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Mr. M'GREGOR expressed his objection to stamps on marine assurances, and other matters connected with shipping.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in consideration of the recent changes in the Navigation Laws, and consistently with the state of the Revenue, it is expedient the Stamps on Marine Assurances, Bills of Lading, Charter Parties, and other Shipping Documents, shall be abolished,' —instead therof."

Lord J. MANNERS seconded the Motion.

The CHANCELLOR of the EXCHEQUER said, that he must give the same answer to this Motion which, a few nights ago, he gave to the Motion for the reduction of the duty on paper. He had already stated the amount of taxation which he thought it would be advisable to make, and he could not consent to reduce the revenue still lower. But the hon. Member for Glasgow, with a just regard for the public revenue, was not, he believed, prepared to urge any reduction of duties which would affect that surplus which the best interests of the country required to be maintained. With regard to any future reduction of taxation, he thought it would be unwise to pledge themselves as to the taxes to be remitted. He would not say a word on the subject of the tax, any more than he did on the other branches of taxation on which he had been urged to make a reduction; because he conceived it would be unfair that his opinion should be open to any but the best consideration on the subject. Therefore he hoped the House would join with him in negativing the Motion; and he hoped his hon. Friend would see the necessity of not pressing it to a division, but permit the House to proceed with the business of supply.

Lord J. MANNERS was at a loss to know on what grounds the House would be justified in negativing this Motion; for the Chancellor of the Exchequer had not adduced a single argument in favour of this most objectionable tax—a tax not only objectionable on every principle and at all times, but peculiarly unjust now that they had deprived the shipping interest of the protection it enjoyed under the navigation laws. He therefore called upon the right hon. Gentleman to vote for its repeal.

Alderman THOMPSON would have preferred that his hon. Friend the Member for Glasgow had not brought forward his Motion until after the Chancellor of the Exchequer had fully declared his intentions, which, he believed, would be in the course of the ensuing week. However, he should observe, that marine insurance societies with large capital, and conducted on the most honourable principles, were established in every port town of the United States, where no duty prevailed, and a like system was in operation at Hamburg. It was the manifest interest, not only of shipowners, but also of shippers of goods, to effect insurances in these countries; and, to his own knowledge, they did so to a great extent. For his own part, he was prepared to remove that incubus on the trade and navigation of this country; and in so doing he thought he would be supported by every practical man in the House. The existing policy of insurance was very heavy, and militated much against the shipping interest; and therefore, if the House divided, he would feel himself bound to support the Motion of his hon. Friend the Member for Glasgow.

Mr. HUME called on the Chancellor of the Exchequer to redeem the promise he had made at the time of the passing of the navigation laws, and on the faith of which promises—to the effect that the shipping interests would be relieved, so as to enable them to enter into competition with other nations—his vote, as well as the votes of many other hon. Gentlemen, had been given in favour of the Government policy. Now, he wished to know why the right hon. Gentleman the Chancellor of the Exchequer did not apply the surplus of 500,000*l.* to the relief of the shipping interest, instead of applying it to the liquidation of the national debt? He thought the House ought to compel the Government to fulfil the pledges made by them. He would vote in favour of the proposition of the hon. Member for Glasgow; and he hoped the House, by its vote, would compel the Government to see that it could not with impunity violate its promises.

Lord J. RUSSELL said, the hon. Member laboured under an entire mistake when he said the Government had given a pledge when the repeal of the navigation laws was proposed that this tax should be remitted. Neither the Chancellor of the Exchequer nor the President of the Board of Trade recollected ever having given any such pledge. His right hon. Friend had given good reasons for refusing to accede to this Motion. He had stated that it was not a question as to what might be said either in favour or against this peculiar tax; but simply, whether it was desirable to maintain the credit of the country; and that, in the present state of the revenue, he could not safely agree to any further reduction of the surplus.

Mr. DUNCAN should say, that the impression on his mind was, that the right hon. Gentleman the President of the Board of Trade had promised to remove all restrictions connected with shipping as soon as possible; and under that impression his vote was given. He, therefore, hoped his hon. Friend the Member for Glasgow would divide the House on the question.

Mr. HENLEY regretted hon. Gentlemen did not hold their votes until they got all that had been promised them. Every class and interest had its own grievance to complain of; and if all those grievances in the shape of taxation were removed, the income of the country must suffer materially. However, the Chancellor of the Exchequer had shown no reason for continuing the tax; and as there was a surplus, he thought it could be better applied in the abolition of a tax, than in the way it had been.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 156; Noes 89: Majority 67.

List of the Noes.

Anderson, A.
Arkwright, G.
Bagge, W.
Baldock, E. H.
Bankes, G.
Boldero, H. G.
Booth, Sir R. G.
Bremridge, R.
Brisco, M.
Broadley, H.
Brooke, Lord
Bruce, Lord E.
Castlereagh, Visct.
Chatterton, Col.
Clay, J.
Clifford, H. M.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
Colvile, C. R.
Conolly, T.
Cowan, C.
Disraeli, B.
Dod, J. W.
Duncan, G.
Edwards, H.
Fagan, W.
Farrer, J.
Fellowes, E.
Floyer, J.
Forbes, W.
Fox, W. J.
Gibson, rt. hon. T. M.
Gooch, E. S.
Greene, J.
Halsey, T. P.
Hamilton, Lord C.
Harris, hon. Capt.
Hastie, A.
Henley, J. W.
Henry, A.
Hervey, Lord A.
Heyworth, L.
Hildyard, R. C.
Hornby, J.
Hume, J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Keating, R.
Ker, R.
Lawless, hon. C.
Lennox, Lord H. G.
Lockhart, W.
Mackenzie, W. F.
Meagher, T.
Manners, Lord C. S.
Maxwell, hon. J. P.
Moffatt, G.
Morris, D.
Mullings, J. R.
Osborne, R.
Packe, C. W.
Pechell, Sir G. B.
Portal, M.
Prime, R.
Reid, Col.
Repton, G. W. J.
Rumbold, C. E.
Salwey, Col.
Sandars, G.
Sandars, J.
Shafto, R. D.
Sibthorp, Col.
Sidney, Ald.
Stafford, A.
Stanley, hon. E. H.
Stephenson, R.
Stuart, J.
Talbot, C. R. M.
Thompson, Ald.
Tollemache, hon. F. J.
Trollope, Sir J.
Villiers, hon. F. W. C.
Walpole, S. H.
Walsh, Sir J. B.
Wawn, J. T.
Williams, J.
Williams, T. P.
Williamson, Sir H.

TELLERS.

M'Gregor, J.
Manners, Lord J.

SUPPLY—AGRICULTURAL DISTRESS.

On the Motion being again put for going into Committee of Supply,

Mr. DISRAELI said: Sir, this is a Motion for going into Committee of Supply, to vote the public money, and it really is a matter of great interest that the House, before they agree to vote any more of the public money, should be in possession of the financial statement of the Government for the year. I maintain we are not at present in possession of the financial statement of the Government for this year. It is true that about two months ago Her Majesty's Ministers favoured the House with their general view of the finances of the country, and what they intended to do with respect to the remission of taxation. It is always held in this House to be a matter of great importance that the financial statement of the year should be made as early in the Session as possible, because before we voted the supply it was always considered of primary importance that our constituents should be able to form an opinion as to whether they could bear the burden of the supply. First of all it was intimated whether it was in the power of the Government to make any remission; and when they knew what the remission of taxes was, probably or possibly, they would be better able, through their representatives, to say if they could meet the exigencies of the occasion. Her Majesty's Government have always considered it to be a matter of self-congratulation and just pride that they could meet the House of Commons and make their financial statement early in the Session; and Her Majesty's present Government, I must do them the justice to say, took an early opportunity of making it nearly two months ago; but though they commenced it two months ago, they unfortunately have not yet finished it. I am not sure we shall not find ourselves in the same position as in the year 1848, when Her Majesty's Ministers were also extremely elate that they could early in February—I think the 17th of February—make their financial statement; but in that remarkable year of 1848, the budget commenced on the 17th of February was not concluded until the 25th of August. I will shortly remind the House of that remarkable occurrence; for we may be about to enter into a similar course, and Her Majesty's Government may be about to adopt an identical career with that of the year 1848. In the year 1848, Her Majesty's Ministers, in the course of the financial exposition, got entangled with the sugar duties. Her Majesty's Ministers, in 1848, produced a new Sugar Bill that was not successful. They withdrew it, and produced a second one, which met a similar fate. A third Sugar Bill was produced, and all those Bills were accompanied with schedules, as we see in recent Bills — schedules very similar to those stamp schedules that were lately criticised in this House so successfully, that Her Majesty's Ministers at this time find themselves in the same position as in the year 1848. Nearly two months have elapsed, and, though we see the Government commencing the Session with a statement of their views of the finances of the country—views of course matured, well-digested, and the consequence of many councils—we are now at the 26th of April, and there is no Member of this House who has a clear idea what are the objects and views, and what will be the policy, of the Government with regard to the finances of the country. It is of great importance, especially after the late division or divisions of that kind, that Her Majesty's Government should tell us whether they will proceed—I will not say with their measure respecting the stamps, for that is already given up, but whether they intend to introduce a new measure. If they introduce a new measure, they are again, we may say, commencing their financial exposition. All that has happened hitherto is the repeal of one excise duty; but no person can say that is the budget of the Government. All that recommends it is, that it repeals the duty on an article of excise; and as it is the repeal of an excise duty, and not of a customs duty, it recognises a salutary principle. I am aware that it is always understood that some indulgence should be exhibited to the finances of a Whig Ministry. We cannot, it is admitted, expect that the Government should excel in every branch. The foreign policy of the Government, by its peremptory decrees, maintains the dignity of the country, and, by its numerous blockades, vindicates our supremacy of the seas. The Colonial Office, by its ingenuity in manufacturing constitutions, upholds the well-won reputation of this country as the pattern of liberalism throughout the world; and there is always in the pigeon holes of a Whig Cabinet a traditionary policy that inevitably renders Ireland rich, and England content. These are things that may well compensate for an apparent deficit, and sometimes for a proposition to double the income tax. I agree with the majority of the House, that the finances of the Government is a subject that should always be treated with indulgence; but there is a limit even to Parliamentary patience, and, as two months have elapsed since we had the financial exposition, and, so far as we can form an opinion, there is no prospect whatever of its ideas being fulfilled, or its plans completed, I think it would be indiscreet on our part hastily to vote the public money without giving the Government an opportunity of clearly telling us what their intentions are. I assume it—and it is not a monstrous assumption — as a fact that we shall hear no more of the Stamp Act, for the case of the Stamp Act is a much more aggravated case of Ministerial incompetence than the case of the Sugar Bill; and if three failures on the Sugar Bill brought the end of the budget to the 25th of August, it follows that four failures on the Stamp Act already amount to a certainty that the original scheme of the Government, or any scheme similar to it, can no longer be contemplated as a political probability. What was the principle of the budget of Her Majesty's Ministers? It was this — more embarrassed how to deal with a surplus than even with a deficiency, the Minister announced that it was resolved to recognise the claims of a great interest in this country that was suffering, and which, from a peculiar combination of circumstances, was recognised specially by Her Majesty's Ministers, and universally acknowledged to be the only interest that was suffering. Relief to the agricultural interest was the voluntary offer of Her Majesty's Ministers. A certain sum was allotted—a particular amount was appropriated to be given immediately, and distinctly, for the relief of that suffering interest. The Chancellor of the Exchequer owes us that moiety of the surplus, and the House will acknowledge that we come forward to remind him of that promise with no ill grace, because, in the interval, we made more than one attempt to relieve another interest, that, to our astonishment, we also found was suffering, without any reference whatever to our prior claims; for we were perfectly prepared to waive those claims if that could serve our suffering fellow-subjects. But those attempts have not succeeded; one of them recently, within the last five minutes, has failed; and now, when Her Majesty's Ministers ask us to form ourselves into Committee of Supply to vote the public money, I cannot consent to do so without some distinct expression from them of their intentions, and of their means to secure that relief to the suffering interest of agriculture which has been so long and so voluntarily promised us by Her Majesty's Government. I ask the House and Her Majesty's Government, have the circumstances changed which prompted Her Majesty's Ministers, at the end of February, to announce to the House that a considerable portion of the surplus was to be applied, as it ought to be, for the relief of that interest? Have the circumstances that since occurred in the country, with respect to that interest, rendered their exigencies less severe; or are they of a nature to justify Her Majesty's Ministers in changing their opinion with respect to the distress of the agricultural interest? I know there was an opinion prevalent on the Treasury bench—indeed it was often intimated to us—that, when we met after Easter, we should meet with more cheerful countenances, and that the dark cloud which lowered over the broad fields of England would have vanished. Is that the case? There are Members in this House who can give testimony on that subject. Now, we are told by a high authority, a Member of the Government, in another place, that this unprecedented depression of the agricultural classes is an exceptional case; but exceptional in what respect? Are we to understand that low prices are exceptional? Why, I thought it was to obtain low prices you changed your legislation. I cannot agree that the circumstances are exceptional; and it is not to the credit of this House, of the present Government, or of the late Government, to believe that the circumstances are exceptional. If we were selling wheat, for instance, at 80*s.* the quarter, I could understand the logic that would tell me that the circumstances were exceptional; but, when we are selling at 35*s.* the quarter, instead of denouncing the circumstances as exceptional, you ought to tell us that they are consequences most legitimate. By the unhappy fact of which we are aware, notwithstanding the logical deductions of the new philosophy, we must look upon this state of things as one of a very permanent character; and it is, therefore, still more important that Her Majesty's Ministers should inform us what they intend to do for the relief of the agricultural interest, assuming, as I do assume, that their legislation respecting the stamps is defunct. If it were necessary to relieve the agricultural interest three months ago, and if to do so was the spontaneous suggestion of Her Majesty's Government, it is more necessary now that they should come forward and offer that relief; and, on an occasion like the present, when we are asked, as a matter of course, to form ourselves into a Committee of Supply to vote away the taxes which are wrung from a suffering community, the most suffering part of which it is our unhappy lot to represent, it is not too much to tell the Government that the time is gone by when it can be a matter of course for any Ministers to have a Committee of Supply while their financial exposition is still imperfect—I will not say disgracefully imperfect, for hard phrases do not mend a case; and when a part of its completion is, the relief from taxation of a suffering interest of the community. I invite Her Majesty's Ministers, before they expect us to vote away the public funds, to come forward and tell us distinctly whether they mean to proceed with another attempt to complete their budget on their original scheme, and if not, what they propose to do for the relief of the suffering agricultural classes of this country.

Lord J. RUSSELL: Mr. Speaker, I think it was hardly worth while for the hon. Member for Buckinghamshire to have delayed the House from proceeding with the practical business of the evening, either for the sake of the information which he has conveyed, or for the sake of making those inquiries which he has made. In the first place, the hon. Member informs hon. Members that when the House goes into a Committee of Supply they probably go into it for the purpose of voting away the public money; and as my right hon. Friend the First Lord of the Admiralty has given notice of his intention of bringing in the Navy Estimates in Committee of Supply, that information was, I think, hardly required by the House. In the next place, the hon. Member for Buckinghamshire informed the House that it was the usual course for all Ministers, very early in the Session, to bring forward the budget, to state what taxes could be removed, and then to proceed with the supplies for the year. Now, that is not the usual course—very far from it. Such a course in times of peace would not be very expedient, and in times of war it would be utterly absurd and impracticable. Therefore, the hon. Gentleman, in the first place, has given us information very superfluous, and well known to all the world, and has also given information which is totally incorrect. But the hon. Member went on to make certain comments with respect to our proceedings as to the finances of the year. I think what my right hon. Friend the Chancellor of the Exchequer stated very early in the Session was sufficiently plain: he stated that he found, according to his estimates of expenses and of receipts for the year, there would be about 1,500,000*l.* of surplus revenue. Of that surplus he proposed to devote one-half to the relief of the public burdens, and the remaining half to the redemption of a portion of the public debt incurred within the last few years. Whether that was a wise course or not—whether suited to the circumstances of the time or not, nothing could be more clear than the line of policy indicated thereby. That policy, which was stated on the 15th of March, we were pursuing at the present time, and one of the excise duties which pressed heavily upon the improvement of the dwellings of the poor of this country has already been removed. Such being our general policy, I certainly shall not accept the invitation of the hon. Gentleman to go into any detail with respect to those financial measures, or to state now what course we propose to pursue with respect to any particular measure which may be before the House. But as the hon. Gentleman has invited us to the general consideration, I cannot avoid—having stated what our policy is—calling the attention of the House for a few moments to the policy which has been pursued by the hon. Gentleman himself, and those who have acted with him. The policy of the hon. Gentleman and his party is not a little remarkable, and it is one which appears to me not a little wavering and inconsistent. The hon. Gentleman, as we were informed by the public papers, before the commencement of the Session, expounded a great plan of finance of his own, which, whether it was advisable to adopt or not, certainly had one very strong feature in it—a feature honourable to the hon. Gentleman, namely, that he proposed to maintain the credit of the country very high, and to have a very considerable surplus above expenditure for the purpose of establishing a sinking fund, in order to keep the funds high, and to enable all persons who had need of borrowing to do so at a very low rate of interest. Probably this plan would not be agreed in by persons who had thought much upon finance; but at least it had this very creditable feature in it, that it was founded upon the basis that the revenue was always to exceed the expenditure of the country. Then again we were told on the first night of the Session that the grand question was to be to endeavour to obtain the restoration of protection. The Amendment upon the Address did not, however, exactly contain that proposition; and no sooner was that proposition negatived, than we were told that it was quite clear there was a majority of the House against protection, and there was no need of talking of protection any more, or of making any Motion on the subject of a restoration of protection. That was entirely inconsistent with what we were told on the first night of the Session. Futher than this, the hon. Gentleman propounded in the last autumn a great plan by which the revenue was to be increased and be kept considerably above the expenditure. During the last few months we have seen, however, that when any hon. Member brought forward a Motion for the repeal of any duty, whether of paper, of the window tax, of marine insurance, however little it might affect the agricultural interest, or however little it might relieve the landed interest—whether the proposition might come from my right hon. Friend the Member for Manchester, or any other hon. Member who professed to hold strong opinions upon free trade, or whoever it might be, still the hon. Gentleman the Member for Buckinghamshire and his Friends appeared only eager to diminish the revenue of the country, and to bring it below the expenditure. The hon. Gentleman talks of our plan of finance; I am not ashamed of the principle of our plan; it is one which combines some relief to the country, with a continued surplus of income above expenditure. But a course of policy which consists in voting with any person or any party who has objections to a particular tax, and who, having studied that particular tax, deems it more objectionable than any other, for hon. Gentlemen to come down and, without considering the general state of the finances, to vote for anything that will impair the general credit of the country—that does appear to me for a great party a most singular and extraordinary course of policy, and one which does not seem calculated to raise them very much in public opinion. But some hon. Members who proposed a reduction of taxation, proposed also a diminution of expenditure. One hon. Member proposed that 20,000 men might be taken from the Army, or that great reductions might be made in the Navy, or other means might be resorted to for preserving the balance, and for making our receipts still exceed our expenditure; but the hon. Gentleman opposite, who voted with the hon. Member for Buckinghamshire, had no excuse of that kind. It was contrary to their views to make those great reductions in the expenditure, and, therefore, they exposed themselves to the chance of being responsible for making a great inroad upon our finances, and leaving them in that state in which the credit of the country could not be maintained either at home or in the eyes of foreign countries. Some persons say, that if these reductions of taxes were made without any corresponding reduction of expenditure, and the revenue of the country would not suffice for the expenditure, the House would find itself obliged to impose those taxes upon provisions, upon the admission of foreign corn, and of foreign articles of general consumption which it has been the policy of different Governments and of different Parliaments of late years to reduce. [*Loud cheers from the Protectionist side of the House.*] By the cheers which I have just heard, there really does seem some ground for entertaining that opinion; and I must say that a more wild-goose chase I cannot well imagine. To suppose that because a certain number of Gentlemen had voted with them for the reduction of the tax upon windows or upon paper, that they would thereby find themselves in a majority in favour of the restoration of protection, and that a majority of the House would be found to restore a tax which would go to enhance the price of food in this country—a more visionary expectation I cannot conceive. If their great plan of finance, which they have not openly revealed to us, is that they will vote for every diminution, and for the abolition of every tax, with the hope that if the taxes were reduced they may get a duty imposed upon all foreign articles of consumption, and especially upon corn, I must say, that a worse plan of finance—a plan of finance based upon more shallow views, or one which tended more to destroy the credit of the country in the first, and to destroy the peace of the country in the second, place, was never conceived by any party which had numbers, wealth, and station in this House. The hon. Gentleman has invited me to this discussion of his plan of finance, by the observations which he has made upon ours. I am sorry to see that he has utterly departed from that very honourable notion which he entertained before the House met, that, whatever we did, we must keep up the credit of the country, and that we ought to have a large surplus revenue over expenditure. I think that if the hon. Gentleman, and those who act with him, had adhered firmly to this principle, they might have kept up a high reputation in this country, and it might have been said of them at least, that their views of policy were conformable to that which had been followed in the best periods of our history. The hon. Gentleman also alluded to something which he supposed to have passed elsewhere. I have seen reports of things, too, which have transpired elsewhere, and I have seen that it is said that people are beginning to ask not only what revision of salaries there should be, and what reduction of offices, but were also beginning to ask whether it was possible any longer to pay the dividends of the national debt. I doubt whether such questions are really and seriously asked by any portion of the people of this country. I do not think it wise that such notions should be set about, especially in the high places in which currency is given to them. I believe that any such notion will obtain no credence or followers among the people of this country in general. I think really that if hon. Gentlemen opposite, instead of abandoning their own course of policy, and striving to get into a majority by following in the train of the right hon. Gentleman the Member for Manchester, and adopting and following his views, were to resort to their own policy, and place plainly before us whether they adhere to protection, and meant to strive to obtain it, or whether they keep it in reserve for some future occasion, or whether, as in point of fact I believe is the case, although they do not venture to say so to the farmers of the country, they utterly despair of obtaining again a return to the system of protective duties— [*Cries of* "No, no!" *from the Protectionists.*] Well, if that is not so, let us have a direct Motion to that effect. There is a large party of protectionists who are calling out and saying that so long as free trade continues every interest must be suffering. If that be so; if the country be really suffering under these influences of free trade; and if that policy which has been pursued since 1842 be an utter mistake—if the people are weary of going on in the road to ruin in consequence of that policy, I say it is the duty of those who entertain that belief to bring the whole question before the consideration of Parliament. At all events, I will say, that we are not afraid of meeting that question. We are ready to meet it at any time; but we hold, that, at the present time, while the revenue is sufficient for our expenses—while that revenue shows, both by the duties of excise and many other duties, that there is no falling off in the consumption of the great articles which pay duty in this country; that there are other circumstances which will show, and which can be stated whenever that question is brought forward, that the great masses and the great majority of the people of this country, are now in the enjoyment of as great comforts as they have ever enjoyed.

Lord J. MANNERS said, that the noble Lord should have thought the information of his hon. Friend the Member for Buckinghamshire superfluous, he could readily understand, for it must be unpleasant for the noble Lord to be reminded in that assembly, pledged, as it was, to the principle of free imports, that a great and important interest in this country was still suffering. The noble Lord, far from endeavouring to explain the financial position of the country, had most ingeniously diverged from the real question at issue, and given them an elaborate statement founded partly on fact, but trenching also very materially on the agreeable and more seductive ground of fiction, as to a proposition which had been made at some time or other by his hon. Friend the Member for Buckinghamshire. But when the noble Lord found fault with what he had truly termed the "great scheme" of his hon. Friend, he might be reminded that that very scheme had been mentioned with the highest eulogy, and even plagiarised by the right hon. the Chancellor of the Exchequer on the introduction of the budget. He was unwilling to protract the debate, but he had risen to protest against the injustice of several of the assertions of the noble Lord. In the first place, the noble Lord said that they had followed every Gentleman who might have proposed some reduction of taxation, irrespective of the justice of the claims and of the expenditure of the country; and the noble Lord had had—what should he call it?—the courage, to say that his hon. Friend and the great bulk of his supporters had voted with the noble Viscount the Member for Bath for the repeal of the window duty. The noble Lord was not correct in that statement, and he asked him now to retract it. The noble Lord said, that they had voted for any reduction that might be proposed, without thinking of the maintenance of the credit of the country, and instanced the vote which they had come to an hour ago. The sum of money implicated in that vote was under 200,000*l.* a year; and let him ask the noble Lord what was the present available surplus which he proposed to grant by way of relief to some interest or other? Was it not a sum greatly exceeding that? Upon what ground then did the noble Lord accuse Gentlemen on that (the Opposition) side of the House of voting for a reduction of taxation without the least regard to the maintenance of the public credit? He maintained that the party with which he had the honour to act, had never given a vote during the present Session of Parliament without a direct reference to the maintenance of public credit. If he wanted any justification of that assertion, he would find it in the concluding portion of the noble Lord's own speech; for he had admitted that they (the protectionists) were not without a policy which would supply the necessary funds for that purpose. But he (Lord J. Manners) assured the House that the votes which they had given in favour of the reduction of taxation could be, and were, fully justified altogether irrespective of that policy, and without any consideration with regard to the reimposition of what the noble Lord called "the taxes on the food of the people." When the noble Lord took the opportunity of accusing them of acting in a headlong and improper manner, because they had voted for the repeal of taxes, in favour of which nothing had been said, and in favour of which nothing could be said—when the noble Lord took the opportunity of making that accusation against them, in vindication of the policy which they (the protectionists) impugned, and in defence of a budget which was rapidly falling in pieces before their eyes, he would tell the noble Lord that if that was his defence, they were perfectly willing to leave the question in his hands.

Colonel SIBTHORP assured the noble Lord at the head of the Government, that however well-intentioned, and however honest in heart and disposition, he was totally mistaken in the course of proceeding he had adopted. He said this even although the noble Lord was backed up by his (Colonel Sibthorp's) right hon. relative (the Chancellor of the Exchequer). That right hon. Gentleman had told the House some time ago that he had a surplus at his disposal. He would tell him to his face that he had no surplus at all; that, indeed, if he put the debtor and creditor account together, he was worse than nothing. With regard to the noble Lord he would only say that there was a time when the house of Russell was the farmer's friend; but he was sorry to say that the present representative of it had entirely lost that feeling. The noble Lord did not seemd to be well pleased with certain votes which had been given on that (the Opposition) side of the House in favour of economy. He, for one, confessed that he was rather of an economical turn, and he must take the liberty of saying that he wished that other hon. Members beside him would use their power and influence a little more than they did to support the measures of economy which he brought under the notice of the House. Dinner was a good thing, and amusement was a good thing; but duty ought to be paramount to either of them. Before sitting down he would ask the noble Lord whether the deanery of Hereford had yet been filled up? and if so, by whom? and what was the salary connected with it?

Lord J. RUSSELL replied, that the deanery of Hereford was not yet filled up.

Mr. HUME said, that a novel scene had taken place that evening, which he had witnessed with much attention. There was crimination and recrimination, but he was fortunately in a condition to blame both. The hon. Member for Buckinghamshire called on Her Majesty's Government, very properly, to give relief to the agricultural interest. He (Mr. Hume) had pressed on the Government the propriety of giving relief to all interests, and he had proposed the honest and legitimate mode of reducing expenditure, in order to obtain a surplus. Hon. Gentlemen opposite complained that the Government had not a policy, but he complained that they had, and seemed determined to abide by it—namely, that no farther reduction in expenditure should take place. It was impossible, therefore, that they could have a surplus; but who was to blame for that? Why, hon. Gentlemen opposite. They came to the rescue when the Government was in difficulties. ["No, no!" *from the Opposition benches.*] But he maintained that they had done it. Every Committee who had inquired into the subject had laid it down that the best and only way to obtain relief was by the reduction of our establishments. He had complained of the Government taking five or six millions from the pockets of the people for the Army and Navy, and made an appeal to the House for a reduction of the number of men employed; and what was the consequence? Hon. Gentlemen opposite joined the noble Lord, and he (Mr. Hume) was left in a miserable minority of some forty or fifty. If they wanted relief, they should take those means by which relief could be obtained, and do as they would in their own establishments—reduce their expenditure when it balanced their income. The Chancellor of the Exchequer said that he had no money to give relief, but hon. Gentlemen might give him money for that purpose by reducing the national establishments. So far both sides had been quarrelling about nothing, and he thought they were both to blame. When our establishments were reduced, and a surplus was obtained, it might be applied towards the relief of the most deserving parties. Above all, however, he begged the House to consider, that as this was a commercial country, and as the welfare of the agriculturists themselves depended on the prosperous condition of commerce, it was most desirable to remove every fiscal restriction on commerce at home and abroad, and everything that tended to injure the health and comfort of the mass of the population.

Mr. DISRAELI begged to remind the hon. Member for Montrose, who had made a very interesting speech, that it was quite beside the question raised on the Opposition side of the House. They had only asked for 300,000*l.*, which was at present unappropriated, and which they thought might as well be applied to the relief of the agricultural interest.

Main Question put, and agreed to.

Supply considered in Committee.

House resumed. Committee report progress; to sit again on Monday next.

The House adjourned at a quarter after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, April 29, 1850.

Minutes.] Public Bills. — 1ª Naval Prize Balance.

2ª Process and Practice (Ireland).

Reported.—West India Appeals.

3ª Titles of Religious Congregations (Scotland).

POOR LAW (IRELAND).

The Earl of LUCAN, in presenting a petition complaining of the misconduct of the vice-guardians of the union of Mohill, called the attention of the Government to the necessity of making some alteration in the law as regarded the management of Irish unions by vice-guardians. The principal allegations in the petition, portions of which were read by the noble Lord, were, that the vice-guardians had managed the affairs of the union, at great cost, contrary to the desire of the ratepayers; that they had levied excessive rates—being 8*s.* or 9*s.* in the pound—and collected them in an irregular manner; that they had paid extravagant salaries to most improper persons; and had given blank cheques for the expenditure, and had contracted heavy debts to the amount of 5,821*l.* The petitioners also complained of the audit, which they said was only a cloak for the extravagance of the vice-guardians. He thought the Government ought to take the earliest opportunity of turning their attention to this subject, with a view of providing some substitute for a system which had worked so unsatisfactorily. He would, therefore, ask the noble Marquess whether the Government intended to propose during the present Session any amendment of the law in respect to the appointment of vice-guardians in Ireland.

The Marquess of LANSDOWNE said, that there was no intention on the part of the Government during the present Session to introduce a measure of the kind alluded to by the noble Earl, although the Government had no desire to encourage the continuance of the vice-guardian system in Ireland; and that the Government had no information relative to the abuses mentioned by the noble Earl.

The Marquess of WESTMEATH regretted the answer of the noble Marquess to his noble Friend's appeal. The present time, when the appointments must be made, was the best for dealing with the subject. Great suffering had been caused in Ireland by the maladministration of these vice-guardians, and he thought that the Government ought, during the present Session, to substitute some other system for that under which, in some places, such notorious abuses had prevailed.

The Earl of MOUNTCASHELL blamed the Government for retaining the abuses that had been complained of. Great evil arose from this do-nothing system.

Subject dropped. Petition ordered to lie on the table.

House adjourned till to-morrow.

HOUSE OF COMMONS,

Monday, April 29, 1850.

Minutes.] Public Bills.—1° Savings Banks; Court of Chancery.

2° Ecclesiastical Commission; Defects in Leases Act Amendment.

Reported.—Parliamentary Voters, &c. (Ireland); Court of Chancery (Ireland); Titles of Religious Congregations.

3° Naval Prize Balance.

THE NEW HOUSES OF PARLIAMENT.

Mr. B. OSBORNE wished to put a question to the hon. Gentleman the Member for Lancaster, in his capacity as one of the commissioners connected with "the new Palace at Westminster." A Committee of that House sat in the year 1846; and they reported their conviction that so long as the squabbles between Mr. Barry, the architect, and Dr. Reid, the ventilator, were permitted to go on, the New House of Commons would never be finished. He wished to ask the hon. Member, whether he had succeeded in adjusting these squabbles, and whether he was aware that an action for defamation had been commenced by the architect against the ventilator, which was about to be tried next week. Unless the hon. Gentleman could adjust the squabbling between the two, he (Mr. Osborne) was justified in saying the House would never get into the new building.

Mr. T. GREENE: In reply to the inquiry of the hon. Gentleman, I have to say that I am aware there is an action pending between Mr. Barry and Dr. Reid; but happily that subject does not come within the power of the commissioners. Our best endeavours have been applied to reconcile the differences that exist between the architect and the ventilator; but I cannot say those efforts have been successful. At the present moment there is a considerable degree of difference between those two gentlemen; and we are obliged to carry on the work as well as we possibly can, by endeavouring to arrange matters to the best of our power; but certainly it is not a very pleasing task.

Mr. B. OSBORNE: I give notice that I shall draw the attention of the House to this subject, with the view of getting rid of both Mr. Barry and Dr. Reid.

IMPRISONMENT OF A FREE NEGRO AT CHARLESTON.

Mr. COCKBURN: Sir, the noble Lord the Secretary of State for Foreign Affairs being in his place, I rise for the purpose of putting the question of which I have given notice, which is founded upon a statement recently made at one of the metropolitan police offices, and to which I beg to call the noble Lord's attention. In the course of an inquiry which lately took place at the Thames Police Court, the captain of a British vessel, the barque *Marianne*, made a statement to the effect—that on the last outward voyage of that vessel, she being bound for Charleston, in the United States of America, on the arrival of the vessel in that port, the police authorities boarded her, seized the steward of the vessel, who was a man of colour, and who had committed no offence; on the contrary, the captain gave him a high character for respectability and intelligence; took him on shore, put him into a common prison, and kept him there for two months; being the whole period that the vessel lay in the harbour. The captain further stated, that it is the invariable practice at Charleston for the authorities to board all vessels which enter that port, British vessels included; to take out of them all persons belonging to the crews who are persons of colour, and to keep them incarcerated during the whole time that the vessels remain there. Now, inasmuch as it appears to me that this practice of seizing British subjects before they have set foot upon the American soil, when they are aboard British vessels, and are under the protection of the British flag, is, although it may possibly be authorised by some local law or regulation, a direct infringement of the law of nations, at all events, is in direct opposition to the principles upon which the intercourse of civilised nations is conducted, I beg leave to ask the noble Lord if he is aware of the practice to which I have referred? And, in the second place, inasmuch as I am individually quite satisfied that Her Majesty's Government would not allow British subjects to be so treated without interfering for their protection; as I cannot but believe that strong indignation has been excited in the public mind by the statement thus openly made; and as the public ought to be satisfied that Her Majesty's Government have not been wanting in their duty in remonstrating with the Government of the United States respecting such a practice as this, I take the liberty of asking if Her Majesty's Government have made efforts with the Government of the United States to prevent British subjects, whether black or white, from having their liberties thus invaded and their persons injured by a practice which I cannot help designating as a most scandalous invasion of the rights and privileges of a British subject?

Viscount PALMERSTON: Mr. Speaker, the subject to which the hon. and learned Gentleman has drawn the attention of the House by the question he has put, is, I am sorry to say, by no means new to Her Majesty's Government; it was brought under the attention of the Government several years ago. It is an undoubted fact, that there exists in the State of Carolina, and I believe also in Louisiana, a law by which all free men of colour, be they of what country they may, whether foreigners or citizens of the other States of the Union, are subjected, on coming into the State of Carolina, to imprisonment, with a view to their removal from the territory of the State. In respect to persons coming on board ship, the law prescribes exactly the course which my hon. and learned Friend has detailed to the House, namely, that the men of colour should be taken out of the vessel coming within the jurisdiction of the State; that they should be detained in prison during the time of the vessel's continuance there; and that the master of the vessel should be bound to take them away at his own departure. It is quite unnecessary, I am sure, for me to express the opinion which Government must entertain on a matter like this. It arises out of those unfortunate institutions which exist in the southern States of the Union, and which are now, as everybody is well aware, the subject of very serious differences in the Congress of the United States; it is a law applicable equally to the citizens of the Union as to subjects and citizens of other States. Her Majesty's Government, in 1847, directed Her Majesty's Minister, then at Washington, to present a note to the Government of the United States, remonstrating against this law not merely as inconsistent with the usual established courtesy of nations, but as at variance with certain parts of the first article in the treaty of 1815, between the British Government and the United States, by which the subjects and citizens of the two countries were to be permitted to enter and reside in, and freely to leave the territories of, the respective States. The answer made verbally, but not in writing, by Mr. Buchanan, then Secretary for Foreign Affairs in the United States, was, that the Federal Government had no powers to induce the Legislature of the State of Carolina to revoke this law; and that if the British Government insisted upon its right, and pressed the Government of the United States upon the ground of right, drawn from the article I have just mentioned in the treaty of 1815, the Government of the United States would find the question not only so difficult, but so impossible to deal with, that they would be obliged, however reluctantly, and with whatever inconvenience to them, to take advantage of the stipulation which was contained in the treaty of 1827, under which either party is at liberty, at any time they please subsequently to the year 1828, to put an end to that treaty of 1815, by giving twelve months' notice of their intention. Under these circumstances, I am sorry to say, it did not appear to Her Majesty's Government that any advantage would result from further pressing that demand. Whatever may be thought of the law, on the other hand it is fair to say, that it is a matter of public notoriety, and that, therefore, free persons of colour, subjects of the Queen, who voluntarily go into the jurisdiction of that State, know beforehand the inconvenience to which they expose themselves by so doing.

THE REGISTRAR OF THE PREROGATIVE COURT, CANTERBURY.

Sir B. HALL wished to ask the noble Lord at the head of the Government a question, respecting a rumour which had caused a great deal of excitement and dissatisfaction in the metropolis. He hoped that the noble Lord would be able to contradict the rumour, as it had caused a very general expression of censure against the highest ecclesiastical authority in the kingdom. His question related to the sinecure office of Registrar of the Prerogative Court of Canterbury.

Lord J. RUSSELL having begged pardon for interrupting the hon. Baronet, wished him to defer the question until to-morrow, as he had only just then written for information, and had not, as yet, received any answer.

Sir B. HALL then gave notice that the question he should ask to-morrow, would have reference to the fact that there was an office in the Prerogative Court of Canterbury, the registrar of which held a sinecure of the value of 9,000*l.* a year. That the Archbishop of Canterbury for the time being had been in the habit of nominating persons to fill that office. That three persons had been nominated to get it in succession, leaving a fresh nomination to be made whenever one of the three lives should fall in. That the late Dr. Howley did not fill up the vacancy created by the death of Lord Canterbury; and the question he (Sir B. Hall) should ask was, whether the present Archbishop, taking advantage of the vacancy left unfilled by his predecessor, had not filled up the office by the appointment of Mr. Sumner, son of the present Bishop of Winchester.

SAVINGS BANKS.

The CHANCELLOR of the EXCHEQUER rose, in pursuance of the notice he had given, to move for leave to introduce a Bill to amend the laws relating to savings banks. He was very sorry that any delay had taken place in the introduction of this Bill. He had given notice as early as the first night of the Session of his intention to bring the subject under the consideration of the House; but the indisposition under which he had laboured, and the state of the public business, had hitherto prevented him from bringing it forward.

Any one who had turned his attention to the subject would agree in its exceeding importance, and would agree in the difficulty of effecting any alteration of the laws by which these institutions were at present regulated. He believed that few hon. Gentlemen were fully aware of the mode in which the system had grown up from small beginnings to its present dimensions—a remarkable growth, when it was remembered that it was not much more than forty years ago since the first voluntary associations were formed for the purpose of affording to the poor the means of depositing their savings, and paying interest thereon. Now, that the amount of the deposits had reached the sum of 28,000,000*l.*, it was not surprising that new regulations should be called for, or that a scheme which had answered when the transactions of these establishments were of small amount, should be found to require further adjustment when they had attained their present gigantic extent. Much of the necessity of legislation arose, in his opinion, from these causes; but there was another circumstance which he thought had contributed to the same result in these institutions, and he believed that the same cause operated in all voluntary establishments. Although, in the formation of benevolent and other institutions like these, the zeal of philanthropic individuals might be successful in founding and starting the infant institution, he was afraid that after the warmth of this first feeling had cooled, parties were not willing to give that constant and regular attention to the working of the system which was indispensably necessary to its continued usefulness and prosperity. He must observe, with regard to all persons who had taken part in the management of the affairs of those institutions, that however active and energetic might have been the zeal of individuals in forming the establishment, it was exceedingly difficult to ensure their regular attention to its concerns for any length of time. Without being disposed to attribute blame to individual trustees for the management of savings banks—for if he were to do that, he believed he should himself come in for a fair share of it—he was afraid that, with some exceptions, the general practice was, that no very regular attendance was given, and that the affairs of the bank were left very much to the management of the secretary, treasurer, clerk, or by whatever other name the person left in charge was called, and that salutary check was not exercised by the trustees or the manager, which was perfectly indispensable to the proper management of the establishment. For example, in the recent lamentable case at Rochdale, a person of higher character for honour and integrity in the estimation of the whole district than the defaulting manager could not be found; and the case was just the same with reference to the defaulter at Scarborough. Even in some establishments which had the reputation of being by no means ill-managed, he had reason to believe that the trustees had been in the habit of signing blank forms and even checks to be filled up by the acting manager, at his sole discretion; and, in point of fact, the check exercised according to the existing practice was much more nominal than real. He proposed, at a later period of the evening, to move the reappointment of the Committee which sat last Session, whose first business would be to receive a report on the affairs of the bank of Dublin. The question now before them was, however, only as to a prospective measure. He wished entirely to avoid any reference to the past, except in as far as experience of the past was a guide in future legislation; and, if he might be permitted to make such a suggestion, he thought it would only encumber the discussion with respect to the future, if they went at length into past transactions. This was a question in which he was quite convinced the House would take the most benevolent interest, as involving the improvement of the poorer classes. He would refer very shortly to the history and progress of these societies; for those who had not attended to their past history were hardly aware of their real nature, and how they had grown up to their present dimensions. It was not much more than thirty years ago since these societies had been recognised by the Legislature, and little more than forty years ago since they were formed. He believed the first society of this kind, a benelent institution not differing much from the savings banks, was formed at Wendover, in 1799; in 1804 another was formed at Tottenham; in 1808 another at Bath; and in 1810 another was established in Dumfries-shire. Till that year there were not, he believed, half a dozen institutions bearing the character of the present savings banks, or at all resembling them. The society established at Tottenham offered a fair specimen of these institutions. In that case six benevolent individuals undertook to receive the savings of the labouring classes, and to pay 5 per cent for them, each person being responsible for 100*l.*; if more were deposited than 600*l.*, they were to add another trustee for every 100*l.* They appointed the trustees as they pleased, and invested the deposits as they pleased, on condition of paying the interest on them. In 1817, when the first legislation on the subject took place, there had been formed by voluntary associations by benevolent persons for this purpose not less than seventy societies in England, four in Wales, and four in Ireland. In 1817 a Bill was passed, of which the object was to prohibit the trustees from receiving any profits, and to allow the investment of the deposits in the public funds. Up to that time the parties responsible for the safe custody of these either employed the money themselves, or put it in a bank, or invested it exactly as they pleased, under no security whatever, except the credit of the trustees and their honourable dealing. In 1817, they were for the first time allowed to deposit their money in the public funds; that was, Government undertook to receive the money they deposited, to be responsible for such money as was transmitted to the Commissioners for the Reduction of the National Debt, and to allow certain interest thereon. In 1824 that system was changed, and it was rendered imperative on the trustees to transmit to the Commissioners for the Reduction of the National Debt the money which they received for the purpose of investment in the public funds, and the trustees were debarred from placing it out at interest elsewhere. From that time, therefore, the Government became responsible for all the money transmitted to them, but for nothing else; a certain rate of interest was paid to the trustees, a certain charge deducted for management, and the remainder was paid to the depositors. In 1828 the preceding Acts were consolidated into one statute; it was then enacted that the rules should be laid before a certain barrister appointed for the purpose, who was to examine them, and certify that they were in conformity with the law (they were subjected also, at that time, to the revision of justices of the peace at the quarter-sessions); the trustees were exempted from liability except for their own acts or deeds, and only where guilty of wilful neglect or fraud. To show to what extent the investment was voluntary, a clause was introduced to enable the trustees of the savings banks to receive from any depositors any sum of money to be invested in any other way the depositors chose, provided it were not contrary to law. The amount of deposits, which in the first instance had been perfectly *ad libitum*, was reduced, and the rate of interest also reduced. In 1844 another Act was passed, which exempted the trustees from all liability whatever, and again reduced the rate of interest. The whole duties and powers, therefore, of the Government, or rather of the National Debt Commissioners, consisted at present in this—that before any savings bank could be established, the rules must be transmitted to a barrister appointed for the purpose, who certified that they were in conformity with the existing law; the trustees being perfectly competent to make what rules they pleased, provided they were in conformity with law. It was the duty of the National Debt Commissioners to receive any sums which might be transmitted to them, to invest them in the funds, to pay interest thereon, and to pay again, upon certain documents transmitted by the trustees, the sums for which they were called upon. Monthly accounts were transmitted, in point of fact, but by law annual accounts only were required to be transmitted, and they were checked by the books of the Commissioners of the National Debt, from which the moneys invested with them could be ascertained. The Commissioners had the power of closing the accounts of the bank, provided the trustees did not observe the directions which the Act required; they could refuse to receive more moneys from them, but they had no power whatsoever of saying that the depositors should deposit no more money with them. With respect to all other matters, the trustees of the savings banks had complete authority and control; they appointed and controlled all the officers. The Commissioners of the National Debt had no power whatsoever to interfere with their management of the bank. Those institutions had been from the first voluntary associations, conducted by persons who acted gratuitously for the benefit of their poor neighbours, and the principle on which the Commissioners had acted from the first formation of the society up to the present time was to interfere as little as possible with persons placed in that situation, unless they appeared to be acting contrary to law; and as they had voluntarily undertaken duties for the benefit of the poor, it was thought right to leave them as much discretion as was consistent with the requirements of the law. As he had said, considerable evils had arisen from the undefined position of the law; and he trusted that, by the Bill which he was about to introduce, the greater part at least of these evils would be met. The first question was that which had been raised in the recent discussions upon this subject, and in various applications made to himself as chief of the National Debt Commissioners relating to the responsibility of Government, whether the trustees were responsible for the losses which might be incurred through the neglect of themselves or their officers. The Government from the year 1817 had made themselves responsible for the safe custody of such moneys as were transmitted to the National Debt Commissioners, and no more. The Government could not make themselves responsible, and had never made themselves responsible, for any losses which might be incurred by the misconduct or neglect of parties over whom they had no control. In 1828 the liability of the trustees was by Act of Parliament confined to instances of neglect or omission on their part; and by the Act of 1844, their liabity was entirely removed. He was bound to say that he thought this was the great defect of the law. Hon. Gentlemen seemed entirely to have lost sight of the origin of these bodies, which were at first voluntary associations not connected with the Government at all, and only so far connected with Government, even to the present moment, in as far as Government were appointed to be their bankers, and be responsible for such sums as they had received. Up to very lately there was no instance whatever of an application having been made to Government to make good any loss which might have occurred from the failure of savings banks. With the exception of the case of the Caernarvon Bank, in 1824, the whole of such losses, or very nearly so, had been made good by the trustees. He believed that in the Caernarvon case the lord lieutenant of the county came forward, and paid the small depositors, but the large ones lost considerably. In that case no application was made to Government, nor had such a thing been heard of until within the last two years. Till the application had been made on the part of the three Irish savings banks, nobody ever advanced the doctrine that Government was bound to make good the losses incurred by the conduct of persons whom they had not appointed, and could not control. He did not think it was fair or reasonable to say that Government should be responsible for losses incurred through the misconduct of persons whom they did not appoint; and if he were to place on Government the responsibility of appointing the officers, it must be obvious that they would cease to bear the character of benevolent institutions founded by the rich for the benefit of their poorer neighbours, and become mere Government establishments. It would be impossible for the Government to decide whether a savings bank should be established in a particular locality or not. That was a matter on which individuals residing in the place could best come to a correct decision, and by depriving them of the power of determining this and similar points, the House would be destroying one of the most valuable features of these institutions, namely, their local management, and rendering them altogether Government institutions. He thought, therefore, that without impairing this valuable principle, he (the Chancellor of the Exchequer) should meet the fair necessities of the case if he took on the Government pretty nearly the whole responsibility as regarded the receipt and payment of money. He found that in many savings banks throughout the country the practice existed of appointing a neighbouring banker, as treasurer to the institution, whose duty it was to attend during the hours of business, and to receive and pay all money passing through the savings bank. Now, the course which he proposed was, to alter the enactment that the treasurer shall receive no emolument, and to invest the appointment of treasurer of the savings bank in the Commissioners for the Reduction of the National Debt. They might appoint the existing treasurer, or any one else. If they appointed a banker, he would either have to attend himself, or to send a clerk to be present at the appointed hours on which the savings bank would be open, and all money should be paid directly to him by the depositors, or by him to the depositors, and the receipt of any money by any other person, or at any other house, should be illegal. The truth was, that nearly all the fraud and all the loss had occurred through the actuary or secretary receiving money from depositors irregularly, sometimes at his own house and out of the ordinary hours, and contrary to the proper rules and regulations, and this, he was sorry to say, with the knowledge, though he would not state with the approval, of the trustees. He believed that if they put an end to that practice, and also to the system of allowing any money to pass through other hands than those of the treasurer, they would, in a very great degree, guard against the possibility of fraud. The better to carry out this object, he proposed to make it a misdemeanor in any officer of the savings bank, other than the treasurer, to receive money from any person proposing to deposit it in that savings bank. He found on inquiry that there were in point of fact very few towns in England having savings banks wherein other banks did not exist, and in those cases where a savings bank was in a town so small as to be unprovided with a bank, he believed there would be practically no difficulty found in procuring some of the nearest banks in other places to accept the office of treasurer. [An Hon. MEMBER: Must the treasurer be a banker?] He did not mean that the treasurer should necessarily be a banker, and in many cases he believed that very little difficulty would be experienced in finding such a person to take the office voluntarily, without putting the country to any charge, and when such assistance should be offered; they (the Government) would be happy to avail themselves of it; but should it not be offered, they took power in the Bill of appointing a paid treasurer in the way he had stated. In many country towns, the country banker was the treasurer of the savings bank; and he thought that this practice might generally be followed if there was not any person willing to act as treasurer. The appointment of the treasurer he proposed should be given to the Commissioners for the Reduction of the National Debt; and in that case, of course, the Government should be responsible for all the money paid to the treasurer. While placing this responsibility on the Government, he proposed at the same time to repeal that clause of the Act of 1844 which entirely did away with the responsibility of the trustees. He thought the trustees ought to be held responsible for any neglect or act of their own, as they had been under the Act of 1828. Now, the first clause provided that the treasurer should be appointed in the manner he had described; that he should attend during the hours on which the savings bank was appointed to be open—that he should receive personally all moneys paid in by depositors, and pay away all money withdrawn by depositors—that he should send up every day to the Commissioners for the Reduction of the National Debt, an account of the transactions, and not at the end of every month, or every year as formerly, and also that any officer of the institution except the treasurer receiving money should be guilty of a misdemeanor. The next object to be kept in view was an efficient audit of the accounts. He proposed that the trustees of each savings bank should appoint an auditor, and that the pass-books should be brought in annually for examination. The only really effective check that could be kept on the accounts was by a comparison of the depositors' pass-books with the ledger. When he first proposed introducing this Bill, he was told that it would be nearly impossible, particularly in seaport towns, that an examination of the books could take place, in consequence of the frequent absence of a large proportion of the depositors. The production of the books for purposes of inquiry was provided for in the Act of 1844, in Ireland; and it was not extraordinary if he should now seek to make the arrangement more general. But he found that practically there was no difficulty in instituting such an extent of comparison as would be sufficient to test the general accuracy of the accounts, even in the case of seaport towns. Two of these cases had recently come under his notice. He found that in the Cork savings bank, which was a remarkably well-managed one, at a recent examination of the accounts, 6,623 pass-books had been examined, and there were only 1,164 pass-books that had not been brought in for examination. Thus at this large seaport town five-sixths of the depositors came forward with their books; and as no error had been discovered in that number, the probability was that no material error could have taken place. The other case was the Portsmouth savings bank. Here the whole number of pass-books was 4,236, and of this number 3,753 had been brought in and compared, leaving only 483 that had not been produced for examination. This was a very strong case, as it showed that in a great seaport town more than six-sevenths of the depositors' pass-books had been produced when an examination was called for. Again, in the Macclesfield savings bank, since November last, 3,769 pass-books had been examined, and only 88 books remained, which had not been brought in for examination. He believed, therefore, that this comparison could be carried out under proper arrangements, so that there would be no great difficulty in having such an examination of the books as would practically ensure the detection of any material fraud. He held in his hand a sheet issued by the trustees of the Barnsley savings bank, in which the number of each depositor's book was set forth, with the balance standing in the accounts to his name. Every depositor could therefore see at a glance whether his own balance was correct or not, without any necessity being created for a publication of the depositors' names, to which a strong objection seemed to be entertained. This, he thought, was an excellent arrangement, which might be further carried out. He proposed to take a power to the Commissioners for the Reduction of the National Debt, to send down, should they see occasion for so doing, an inspector to test the accuracy of the accounts of any particular bank, by an examination of such a number of the pass-books with the ledger as might be brought in to him for the purpose. He believed that the mode which he proposed for receiving and paying deposits, together with those other precautions to which he had referred, would provide against the possibility of any fraud taking place, or at least any fraud to a serious extent, while the depositors would be protected by the responsibility of the Government being extended. The next clause was intended for the purpose of providing against any further loss being sustained by the Government, on account of savings banks. He believed that at the original formation of these institutions it never was intended that any loss should fall on the Government or the country, through their working. It was intended that the rate of interest allowed in them should be such as the public funds would allow the Government to pay, but that no loss was to be incurred. The reverse of this, however, had been the fact; from a higher rate of interest being allowed to savings banks than the interest on the amount of the deposits invested in the public funds enabled the Commissioners for the Reduction of the National Debt to pay. In 1817 the rate of interest allowed was 4*l.* 11*s.* 3*d.* per cent; in 1838, it was fixed at 3*l.* 16*s.*; and in 1844, at 3*l.* 5*s.* The result of these arrangements was a considerable loss to the Government. In like manner, a loss resulted to Government from the necessity which existed of carrying out the arrangement—as he thought a very proper one—of repaying to the depositor the precise sum which he had deposited, no matter what the prices of the public funds might be. Thus, if the amount were invested when the funds were at 99, and if they had to be sold out when the funds were at 80, it was obvious that the Government must lose considerably by the transaction. Thus there were two kinds of loss—first, the loss on capital; and, secondly, the loss on interest. It had been proposed by some parties that the Government should act merely as a broker, to enable parties to invest small sums in the funds, which should then be subject to all the fluctuations that took place in the price of the funds. But, from all the communications that had reached him on this subject, he was inclined to believe that one of the great inducements which persons of small means had to deposit their savings in these institutions, was the certainty of getting the entire sum back again; and that they looked to the amount of interest as a matter of very secondary consideration. He believed it would be a source of great anxiety to them; and a subject of constant complaint and discouragement, if the investments of these small depositors were to be liable to the fluctuations which took place in the public funds. He did not, therefore, propose to alter the law in this respect, but what he should propose was to limit still further the amount of the deposits. He did this because he did not consider it at all necessary to extend to the large depositors the advantages of these institutions. It was remarkable to how large an extent the larger depositors had taken advantage of this power to withdraw the full amount deposited, in order to invest it more profitably for themselves while the funds were low. He held in his hand a return for the year included between November, 1846, and November, 1847, a year when, as hon. Gentlemen would remember, the funds had fallen very low, and affordeds trong temptations for investment. It was remarkable also that while the depression in the funds was at its height, in October, 1847, the sales were all in very large sums, while the purchases were almost invariably in very small amounts, showing that the public thought it a good time to come in and buy; and no doubt a great number of the depositors of the larger amounts in savings banks had withdrawn their deposits at that period with a view to their more profitable investments in the funds. In the year, between November, 1846, and November, 1847, the total number of depositors in the savings banks had decreased by upwards of 12,000. But the whole of this decrease was in the larger sums, because the number of depositors under 20*l.* actually increased more than 12,000; so that the number of depositors in sums above 20*l.* must have actually decreased 24,000. The whole increase was in the poorer class of depositors, and the decrease in the higher class. He proposed, therefore, to limit the amount of deposits to be received from any one depositor to 100*l.* He had been urged to limit the amount still more; but, on the whole, he thought that 100*l.* was the best limit that could be fixed. He proposed, when the deposits amounted to 100*l.*, to give the parties facilities for investing it in the funds, should they so think proper. When the deposits reached 100*l.*, he proposed that the interest should cease; but they would, if the parties wished it, invest the amount in the funds, and receive the dividends afterwards and pay it to them, or else give them a power of attorney to allow another party to receive it for them. The depositors would be thus converted, free of expense, into fundholders, and they could get a power of attorney, either to sell the amount, or to enable another person to receive the interest for them. He did not propose to compel any existing depositor to take advantage of these provisions. A strong confirmation of these views, he found contained in a letter which had been addressed to him by a gentleman who had been treasurer for fourteen years, and manager for thirty years of the Croydon savings bank. He had also received various other letters from persons in all parts of the country; but he should not detain the House with reading any, except the letter to which he had first alluded. This gentleman stated that—

> "I have had occasion to remark that the chief inducement to deposit money by those for whom savings banks are intended, consists in having a safe place for deposit, and that the amount of interest for the most part forms but a secondary consideration; whereas those persons whose means are greater, and who do not actually require savings banks, use them to suit their convenience when the funds are high, and take their money out of the savings bank to invest in the funds when low, just at the time that the withdrawal from the savings bank is attended with loss to the country. This cause operated far more extensively in our bank in 1847 and 1848 in reducing our capital than the stagnation of trade did. 20*l.* would be quite enough for a depositor to be allowed to be put into the bank in one year, and when the sum invested reaches 100*l.* there is no necessity to allow further deposits to be made. Our secretaries are secretaries alone; their province is book-keeping; they have nothing to do with money; and no officer of the bank is permitted to transact business but at the bank, and in banking hours, so far as money is in the question; and thus the accounts are confined to the secretary, trustees, and manager, and the money to the treasurer, trustees, and manager."

The proposal which he submitted was, it would be seen, very much the same as that suggested in the letter, as he proposed a separate management altogether with regard to the office of treasurer, and that the receipt and payment of all money should be exclusively confined to that officer. He begged to remind the House that the funds with which they were dealing were of no trifling amount. It appeared that the gross amount of interest paid since the establishment of savings banks, in 1817, to the Commissioners for the Reduction of the National Debt, on account of deposits invested by them, was 18,014,000*l.*, while the total amount of interest paid and credited by them to depositors, was 20,455,000*l.*, leaving a deficit of 2,441,000*l.* The annual excess of interest paid to savings banks above that received by the Commissioners was 42,670*l.* per annum. He did not consider that this loss should be continued, and he proposed, therefore, that the rate of interest paid by the Government on these deposits should be reduced from 3*l.* 5*s.* per cent to 3*l.* per cent, and that the maximum amount of interest paid to depositors should be fixed at 2*l.* 15*s.* per cent. The loss would be very small indeed to each depositor. The present average rate of interest paid to depositors was 2*l.* 18*s.* 4*d.* per each 100*l.*. He proposed, therefore, a diminution of 3*s.* 4*d.* per each 100*l.*, which was equivalent to 4*d.* a year on 10*l.*, 8*d.* a year on 20*l.*, 1*s.* 8*d.* a year on 50*l.*, and so on. This would be a very small consideration to each depositor, while, at the same time, the saving on the whole would protect the country from loss, and would also enable them to meet the payment to the treasurers and the other expenses of management. The arrangement would, of course, on the other hand, relieve the savings banks to a certain extent from their expenses of management. It had frequently been said in debate that, besides the loss on interest, the savings bank system would entail a great loss upon the country; but that would depend upon the amount the stock could be sold for. The question would not arise till all the money deposited in savings banks was required to be paid off, and the books closed; which was not a very probable event. Even then, it depended on the price of the funds at the time. If the whole of the banks were wound up when the funds were low, there might be a considerable loss; but if the funds were high, there would be no loss to the country at all. He believed he had now gone through the principal points with regard to this portion of his plan, namely, the conferring on the Commissioners for the Reduction of the National Debt the power to appoint the treasurers, the payment of all money to and by the treasurer alone, the limitation of the deposits to 100*l.*, the power of converting deposits to that amount into stock, the reduction of the interest to be paid by Government to 3*l.* per cent, and that to the depositors to 2*l.* 15*s.* per cent. He next came to the question of friendly societies. With regard to these societies, he proposed that no further money should be invested by them directly with the Commissioners for the Reduction of the National Debt, except so much as should be received on account of insurances entered into previously to the passing of the Act. Hon. Gentlemen might be aware that these societies were formed for the purpose of granting assurances to parties; and the rates at which the assurances were given, depended on the rate of interest which they themselves received. Now, it might be unjust to make any alteration with regard to the old assurances, but he proposed that, in the case of new assurances, the investments should only take place through the means of the savings banks, as had been the rule for some time as to all new societies. The loss to the public on the existing societies was about 20,000*l.* a year; but as the faith of the Government might be considered as pledged to the arrangement entered into, it would be an injustice if any alteration were now made, as far as the insurances already contracted for by the old societies. In the next place, he proposed to limit the privilege of investing in the name of trustees. That privilege had been grossly abused by parties who had invested money that was practically their own in the names of children and others. He proposed, therefore, that in future no person should be allowed to invest money as a trustee except on behalf of parties afflicted with lunacy, idiocy, or unsoundness of mind. Money could, of course, be invested on behalf of minors, but then it should be in the name of the minor, and not in the name of the trustee. The only other main provision which he should propose was the extension of a power on which great stress was laid by his hon. Friend behind him, the Member for Stroud, and others, namely, the power of granting annuities. At present, under the Act of 1833, a person could purchase an annuity not under 4*l.*, and if he died within a fixed time the money was to be returned. But the rate of premium was so high that no great amount of annuities had been applied for or granted under that Act. He did not propose to disturb the existing arrangements, but he wished to give power under other conditions with regard to new arrangements. He did not intend to continue in these cases the power of purchasing by means of instalments; but, on the other hand, he proposed to reduce the amount of the annuity to be purchased to 1*l.* The mode in which he hoped his proposal would work was, that parties would accumulate such a sum of money in the savings bank as would enable them to purchase an annuity of 1*l.* at least, which would thus be secured to them, and then they might go on accumulating more money in the savings bank, until they could purchase another 1*l.* annuity, and so on, until the whole amount reached the limit of 30*l.* Another object which it was most desirable to effect, but which he had for a long time thought almost impossible, was to provide for the payment of sums of money in case of death. In cases where a person desired to purchase the right of leaving a sum of money to his relatives after his death, a great difficulty existed from the danger of those deferred annuities being purchased on bad lives, and its being almost impossible for the Government to obtain any accurate knowledge as to the soundness of the health of the party purchasing. On this point, also, he hoped the details which would be found in the Bill, would provide a practical remedy. He proposed also, if a party wished, instead of having a sum payable at death, to provide an annuity to be paid to his children after death, to give power to have such a fixed payment converted into an annuity at death. He did not think it necessary to trouble the House with further details, which the Bill he proposed to bring in would supply; and, in the meantime, he would be happy to furnish information on all points that he might not have already sufficiently explained. But, having already trespassed upon their attention so long, he did not think it necessary now to go into further detail upon these points. He believed that, according to all the information he had received, the clauses which he had drawn in the Bill would be found to meet most of the difficulties which had been put to him; and he had only to say, that on a question like this, which involved no party feeling, and where he was convinced that every Member was actuated by an anxious desire to promote the interests of those for whose benefits these banks were instituted, he relied upon receiving the aid and assistance of every Gentleman in the House; and he could assure them that such assistance he would be most happy to receive, in order to promote this great national interest—the interest of that class of society to whom, he believed, savings banks were invaluable, and the system of annuities which, if possible, were more invaluable still. He hoped he had done his best to meet the difficulties which had already occurred with regard to these institutions; and he would only again say, that he should be most happy to receive suggestions from any quarter, in order to render this Bill as perfect as possible, in order to promote the interest of that class of society whose interest he was sure every Gentleman had sincerely at heart.

Mr. HUME said, it was not his intention then to follow the right hon. Gentleman through all the details of this measure, the more proper time for which would be when the Bill was printed and brought before them; but there were one or two points which he wished to bring under the notice of the House. Having directed his attention for the last thirty years to the question of savings banks, and having for the last ten or twelve years called the attention of Government to the faulty system on which they were instituted, by which loss accrued to the Government, and a risk to the individual depositors, he was not at all surprised at what had lately taken place. He had very great doubts whether the right hon. Gentleman would be able to carry out his mixed plan, which he had now proposed. He thought the public had a right to complain of the Government in this matter, because it was always understood that the Government were pledged to the depositors, and thus the public were deluded. ["Hear, hear!"] He said deliberately, the public were deluded, because they had been led to believe that their money was safe from the moment it was paid into the bank; whereas it appeared that the Act of Parliament only enabled the Government to receive the money from the trustees, and they were only responsible for that sum which was received. Now, this was a matter which the unfortunate depositors did not know, and they believed that all the money deposited was placed under the control of the Government from the moment it was placed in the bank. It appeared to him that the Government ought to undertake one of two things—either to leave savings banks altogether alone, or else to ensure perfect security to the depositors, which he saw no difficulty in doing. He had always regretted that the Government departed from the course adopted in 1813, on the first institution of savings banks. When the Western Provident Institution, which was the first savings bank of any extent established in the metropolis was commenced, it proceeded on the principle that so soon as the depositor paid 14*s.* into the bank, the managers were bound to invest it in the funds, and the depositor became proprietor of 1*l.* in the 3 per cent stocks, which were then selling at 14*s.* Now, he contended that that was exactly the function which Government should discharge in this matter—that they should undertake for the depositor the trouble of buying in and selling out of the funds, and save him the expense of employing a broker. One reason why he wished that course to be adopted was, to avoid the possibility of loss to the Government; for, as the system was managed at present, the Government lost to a large extent, while the depositors did not gain. The right hon. Gentleman had stated that in the course of the last thirty-two years the Government had paid 2,000,000*l.* more in interest than they had received. He believed the greater portion of that was spent in the management of the banks, some of which were carried on very extravagantly, though others were managed very economically. He objected in 1844 to the Act which was passed in that year taking away from the trustees of savings banks the responsibility which was formerly imposed upon them, because the depositors no longer had that security which formerly existed, and which, unfortunately, they still believed did exist. He was glad, therefore, that the right hon. Gentleman proposed to repeal that Act; but he was very anxious to hear what the right hon. Gentleman meant to do with regard to the losses that had been sustained by depositors in the various banks where failures had already occurred. He was a member of the Committee that sat on Irish savings banks, and no man who heard that evidence could doubt that the depositors believed their money was placed in the banks on the security of Government; and he had no doubt that in Rochdale and the other English banks the same feeling existed. But yet none of these cases had been taken up by the Government. In attempting to provide for the future, it appeared to him that the right hon. Gentleman had proceeded altogether on a wrong principle in having a mixed management, and that as they had gone so far as to appoint a treasurer and exact penalties for violation of their arrangements, they had only one step further to take, and appoint a clerk for the management of the bank, and then the institution would be altogether under the control of the Government, who would be responsible to the depositors for the security of their money. He would also call the attention of the right hon. Gentleman to the fact, that in Scotland every depositor of *5l.* in the ordinary banks received interest upon his deposit, and could draw it out when he pleased, so that in point of fact all the joint-stock banks in Scotland were savings banks, and were extensively used for that purpose—about 30,000,000*l.* being invested with them, which formed a fund that enabled these banks to give great accommodation to merchants and commercial men. He did not see why the same system should not be adopted in England, which would relieve the Government of the trouble of interfering with savings banks altogether. He had also strong doubts as to the propriety of the Government becoming insurers. That might have been very necessary at a time when there were no insurers; but now that there were so many, he thought that Government might leave the matter in their hands, if they would only do one thing, which was to take the duty of all life insurances and all arrangements connected with these companies up to the amount of 100*l.* Such an arrangement would save the Government all further trouble on the question; and the loss to the revenue would not be equal to that which was now caused by the payment of a larger amount of interest than they received. He agreed with the right hon. Gentleman as to the limitation of the sums deposited, and he knew cases in which these savings banks had been taken advantage of by parties for whom they were never intended, in a way that, he was about to say, was quite unworthy of them; but let no man say that anything was unworthy where profit was the object, for he found in all ranks and classes a tendency to avail themselves of the folly of the public. He agreed with the right hon. Gentleman in the desirableness of encouraging amongst the labouring population the habit of saving, for the moment a man had a nest-egg he desired to add to it, and thus habits of prudence and economy were fostered among the mass of the people.

Sir H. WILLOUGHBY was anxious to call the attention of the House to a point which was in fact the main principle by which the new machinery was to be worked. The question he had to put was, who were the parties who were responsible for what had occurred, and for what might occur hereafter? The answer was, the Commissioners of the National Debt, as these were the parties to whom the deposits in savings banks were to be paid. But these Commissioners were all of them high officers of State, and therefore he doubted whether any of them could be responsible for the due carrying out of the Act. The right hon. Gentleman in the chair was one of those Commissioners; the others were the Master of the Rolls, the Chief Baron of the Exchequer, the Accountant General in the Court of Chancery, the Governor and Deputy Governor of the Bank of England, and the right hon. Baronet the Chancellor of the Exchequer; the latter, he believed, being of necessity the only working member of the Commission, though, if the House would reflect for a moment, they would see that cases might arise in which the Chancellor of the Exchequer would be the last person to be entrusted with the management of these funds. A return, which was moved for some time since by the right hon. Gentleman the Member for the University of Cambridge, gave information of a very important character. It appeared that these Commissioners had power to sell the savings bank stock, and to convert it into Exchequer-bills, and *vice versâ*, and that they had frequently exercised it. He would select from this return two epochs—one from 1833 to 1835, and the other from 1836 to 1840. In the one epoch, he found that 7¼ millions were sold in the Three and Three-and-a-Half per Cent. Stocks, and that 7½ millions were bought. These sales were made for no purposes of the savings banks; they were made entirely for purposes of Government. In the next epoch, Exchequer-bills were at a discount, and 20,000,000 of Exchequer-bills were bought, and 13¼ were sold. There were 2,120 different transactions in the purchase of stock, and 1,300 different transactions in the purchase of Exchequer-bills. From the best calculation he had been able to make, he believed that the savings banks were losers to the extent of 2,000,000*l.* by these transactions, not including the amount of interest lost by investing in worse security than the funds. Now, he put it to the House whether this was not the real cause of the apparent deficit which the right hon. Gentleman had stated, and therefore he called upon the noble Lord at the head of the Government to consider whether it was not fit that some more efficient working Commissioners should be appointed than those who now held the office. He admitted that the present Government had had nothing to do with these transactions, the latest of which occurred in 1842, and he thought the country owed a great debt of gratitude to the right hon. Gentleman the Chancellor of the Exchequer for having put an end to them. He thought the proposal to reduce the amount of interest would be an extremely disagreeable measure; but he did not wish to go into the question of details now, only calling the attention of the Government to the question he had put, whether any efficient check would be put upon the practice of selling and buying stock, which was contrary to the interests of the depositors.

MR. S. CRAWFORD said, he rose to express the great disappointment he felt that the right hon. Gentleman the Chancellor of the Exchequer had given no intimation of the course Government intended to take in the case of the unfortunate depositors. He was deeply interested in the question, as the constituency he represented had sustained a loss of 70,000*l.* from the dishonesty of the actuary of the Rochdale savings bank. To be sure the trustees, though not legally responsible, had made up the amount of 10*s.* in the pound among themselves, and it was likely there would be a further amount of 2*s.* in the pound forthcoming, so that the poor people would at all events get 12*s.* for every 20*s.* they had deposited; but still a very deep loss was likely to be sustained, which Government ought to make good. He did not mean to contend there was any legal responsibility on the part of the House or of the Government; but if there ever was a case of moral responsibility, it was afforded by the circumstances under which these depositors had lost their money. The Act of 1844, which had been referred to by the Chancellor of the Exchequer, was unjust, because it took away the responsibility of the trustees, and gave no security in its place; and the very fact of repealing that Act, now proved it never ought to have been passed. The depositors still thought they had the security of the trustees, and behind that again the security of Government. They thought so, because they knew the money was to be paid to the Commissioners for the Reduction of the National Debt—that annual accounts were to be forwarded to the Government by each bank—and that the Government could close any bank if they pleased, and could select arbitrators in case of dispute. It was not extraordinary, then, if poor people who could not turn to Acts of Parliament, should think they had the security of Government. He therefore made a claim on their behalf. It would be a cruel act if the State refused to make good those deficiencies, particularly when it was considered that inaccurate and non-audited accounts had been received from several banks by Government, and that in some cases the arbitrators had made unjust awards between the trustees and depositors. The savings banks ought to be put into the hands of Government, or be abolished altogether. He thought now, as he had always thought, that poor people should never have been induced to place their savings in any establishment where they did not enjoy the advantage of Government security. That they had been so induced was a fact well known to almost every Member of that House. It was well known that nothing was more common for the higher and more educated classes of the community than to use every influence with their poorer brethren to induce them to invest their money in savings banks, the adviser in those cases and the recipient of the advice both believing that every savings bank had the guarantee of Government security. He trusted, then, that the right hon. Gentleman the Chancellor of the Exchequer would take these circumstances into his serious consideration, and not let the poor suffer for following the advice of the rich and the enlightened. Did any one suppose that the law or the Legislature would for one moment sanction the possibility of banks for the rich being maintained with irresponsible trustees? Surely not; then, let them suffer nothing of the sort in the case of banks for the poor—let not the people get hold of the idea that there was one law for the poor, and another for the rich. He hoped, then, that the House and the Government would take the poor into their consideration, and give them that reparation which the justice of the case demanded.

Mr. W. FAGAN, independently of having been a member of both Committees on Savings Banks which sat in 1848 and 1849, was from other circumstances familar with the case of the three Irish banks, the failure of which was the principal cause of the Bill which the right hon. Gentleman the Chancellor of the Exchequer had that evening introduced. He (Mr. Fagan) would, therefore, ask the attention of the House while he made a few remarks on the important subject under consideration. The right hon. Gentleman told them that his was a prospective Bill, and he asked them to avoid all allusion to the past. Now he (Mr. Fagan) could not consent to this. He thought very great disappointment would be felt in Ireland that such a Bill should be introduced with reference to the future, without any provision for the unfortunate depositors, whose ruin was caused by the default of the Government. Therefore he felt it his duty to go into the past, notwithstanding the appeal of the Chancellor of the Exchequer; and as he had still hopes that justice would be done these depositors, he thought there would be no more appropriate time than the present to state their case. He would, however, in the first instance refer to the measure submitted to the House by the right hon. Baronet. He differed from his hon. Friend the Member for Montrose in his estimate of the Bill. He believed that consistently with the principle of voluntary association, on which savings banks were founded, there would be the greatest possible amount of security afforded the depositors, provided its provisions were attended to by the public, and vigorously enforced by the Government. But while the depositors might be thus safe, there would be no security for Government so long as the present system of keeping accounts in savings banks was persevered in. Of what use was it appointing auditors, if there was no possible means within a reasonable time of balancing and checking the numerous transactions of the bank? Of what use were auditors if there were no precise system of keeping the interest accounts, or of checking the interest paid with the interest set down in these accounts? The Chancellor of the Exchequer had referred in laudatory terms to the Cork savings bank. Now it was not from any feeling of partiality that he (Mr. Fagan) asserted that all that regularity of which the right hon. Baronet spoke arose from the perfect system of accounts introduced into that bank. These accounts were based on the principle of adding interest in every account, the moment a lodgment was made on the sum so lodged up to the 20th November following, and deducting interest to the same on all sums withdrawn at the date and booking of the withdrawal. Thus there is a check against frauds in the payment of interest—and there is moreover a most extraordinary facility of balancing the accounts. If these accounts numbered ten thousand, and if after the bank closed for business at half past 4 o'clock in the evening, it was necessary to have each account balanced and all checked with the general balance before the next morning, it could be done and had been done under the book system of accounts, and done too almost mechanically—by two boys just capable of adding pounds, shillings, and pence together. He would, therefore, most earnestly call the attention of the Chancellor of the Exchequer to this admirable system. It was now more than ever his duty to do so. He was going to make the country responsible in a great degree for all moneys deposited in the banks. He ought, therefore, carefully to guard the public exchequer from the frauds inevitable from the present system of keeping interest accounts, and the almost impossibility of auditing within any reasonable time the numerous accounts, particularly in large banks. He would now come to a consideration of the past, which had been already referred to by his hon. Friend the Member for Rochdale. The Chancellor of the Exchequer said that the Government were not responsible for any money they did not receive. Now, it may be that they were not legally responsible, but he agreed with his hon. Friend they were morally so, and what made them doubly so was, that every depositor of every class believed, and the belief was allowed to prevail, that they had Government security for their money. Now that the House might fully understand the nature of the responsibility of the Government for the money abstracted from the depositors, and the case of these unfortunate persons against the Commissioners for the Reduction of the National Debt, he would state how the law stood on this point. And here he would observe that when speaking of these commissioners, he meant the Government, for, as was well observed by the hon. Baronet the Member for Evesham, the Chancellor of the Exchequer, the Finance Minister, was the only acting Commissioner for the Reduction of the National Debt, and therefore when he referred to their acts he should call them the acts of the Government. Now, by the 9th Geo. IV. cap. 92, every savings bank in the united kingdom was obliged to furnish annual abstracts of its accounts up to the 20th November, to the Government; and if these accounts were not duly furnished within a certain stated period from that date, the law called upon the Government to close the account with that bank; and the 3rd Will. IV. cap. 14, directed them to publish in the *Gazette*, and local papers of the district where the bank was situated, the name of any bank that neglected to furnish these annual accounts, or that disobeyed the legal orders and directions of the Government. Now, what was the object of these provisions of the law? Clearly, the protection of the depositors. The Government were only security to them for the money it received; therefore, further to secure them from the frauds or negligence of the trustees or officers, these provisions were passed. If it were not for that purpose, it was better they should not have been passed at all. The Government was, therefore, bound by every legal and moral obligation to see the law carried out; and if it neglected to do so, it must be responsible for the consequence. The Act of the 7th and 8th of Victoria, in 1844, removed all liability from the trustees for wilful neglect and default, consequently, made the moral obligation to enforce the remaining protective provisions stronger. Now, let him apply all this to the case of the three banks in Ireland which had failed. He would begin with the Dublin savings bank, where the poor depositors were plundered to the amount of nearly 50,000*l*., and where at the time of the failure there was not more than 89*l*. in hand. At November, 1828, there was a surplus fund in the hands of the Government of 3,127*l*. 7*s*. 4*d*. to the credit of the Cuffe-street Dublin savings bank. In 1831 the actuary of that bank absconded with a sum amounting to 32,000*l*., the property of the depositors. It was in evidence admitted by Mr. Tidd Pratt that this money was taken during the years 1829 and 1830; and, undoubtedly, it must have been principally taken in 1830. Now, will the House believe it? not a single account of any sort whatever was furnished to the Government, as the law directs, in either of the years 1829 or 1830. If the law had been complied with by the Government, no loss at all would have occurred. If the account was closed in 1830, and the bank published in the *Gazette* and Dublin papers, what was taken that year would have been saved, and possibly the surplus fund of 3,127*l*. would replace what was abstracted in the first year of these frauds. How was this conduct to be justified? He would show the House by and by the grounds of justification. If these grounds were to protect the national credit at the sacrifice of the depositors, then by every principle of justice, of honour, of common honesty, these sufferers should be recompensed. But this was not all. Let not the House suppose that it was the depositors whose money was taken by the actuary that were the sufferers. No such thing. The Government decreed that those who had not a single penny in the bank at the time, but who subsequently deposited in the new bank—for it was, in point of fact, a new bank, though called by the same name and held in the same place—Government decreed that they, and not the old depositors whose money was taken, should be the sufferers, for they, contrary to law, did not close the accounts of the bank; and we have it in evidence that, at the failure of 1847, very few of the depositors previous to 1831 held money in the bank. They were paid by the money of those who, on the faith of the Government, and believing in the solvency of a bank the Government knew to be bankrupt, deposited their hard earnings there. And this was done, though the trustees expressed their willingness to have the bank closed, as he would show by an extract from the statement of those trustees addressed to the Government. In this document they say—

> "Connected as the savings bank system is with the policy of Government for the reduction of the national debt, and considering the great importance of such institutions to the poor and industrious class of the community, the trustees, who at much personal inconvenience have given their gratuitous services to the promotion of these objects, deem it their duty to submit to the Commissioners for the Reduction of the National Debt the fatality which has occurred, and to solicit their advice and assistance. With this view the trustees beg leave to submit that a Commissioner

should be appointed to proceed to Dublin, and to be in possession of the assets and other property of the bank, the trustees undertaking, if required, to make a legal assignment to such Commissioner of all property now vested in them under the 9th George IV. c. 92; that such Commissioner should have authority to inquire into the management of the bank, and the cause of the frauds above referred to, and should proceed to remodel, or close altogether, the said bank, as might appear most expedient."

Such was the proposition of the trustees. In consequence, Mr. Tidd Pratt proceeded to Dublin. At his suggestion the trustees were induced to alter their plans, and became desirous to keep the bank open; and in February, 1832, Mr. Lundy Foote, on the part of the trustees, addressed Mr. Tidd Pratt a letter, in which occurs the following passage:—

> "We hope that, under all the circumstances of our case, the Commissioners will receive our account as if we were a new bank, furnishing our account for the first time. In fact, you are aware we commenced *de novo* with new machinery, having discarded some of the old, which was suspected of not working well."

Thus was a new bank established to all intents and purposes, with, as it will appear by a minute of the Commissioners he would read—with the sanction of the Government; for the Chancellor of the Exchequer was present when the minute was adopted. He would say that the deposits in Coutts's house may as well be applied to pay the depositors of some bankrupt bank, as that the deposits in this newly-organised establishment in Cuffe-street should have been applied to discharge the claims of those whose money was taken by the actuary. This appeared to be the opinion of the Government at the time the minute was written. It runs thus:—

> "At a Board held the 19th of March, 1832, read a letter from the Trustees of the Savings Bank, at St. Peter's Parish, Dublin, dated 25th February, 1832, enclosing their general account up to 20th of November, 1831, wherein is exhibited an apparent surplus of 27,772*l.* 12*s.* 5*d.*, subject to certain outstanding demands. The trustees state that they are unable to produce the general accounts for 1829 and 1830, in consequence of the irregularities—mark the mild and deceptive phraseology of Mr. Dunn, their late registrar, who has absconded and carried off all the documents and papers relating to these years—and therefore they request that the account for 1831 may be allowed to pass without the production of those for 1829 and 1830. Admit the said account—require from the trustees a separate return showing the amount of the outstanding demands upon the new surplus of 27,772*l.* 12*s.* 5*d.*, so far as the same can be ascertained, also a statement of the payments which are made by them from time to time on account of the same, and let the said apparent surplus of 27,772*l.* 12*s.* 5*d.* at November, 1831, remain on their general account."

Now, the Government in admitting this account connived at a deception on the public, for the account was published as the law directs, and on the face it states what is false. It begins thus—"To balance due on 20th Nov. 1830, including interest as per last return." Now there was no such return, and it was a deliberate deception on the part of Government to have allowed such a statement on the face of this account. If, however, no payment was made to the old claimants out of any other fund but the 27,772*l.*, he would admit that there would have been some justification in keeping open the account of this bank; and this he believed was, as he already said, at first the intention of Government, as would appear from the following passage from a letter of Mr. Higham's, dated in 1836, when it was discovered that the trustees had paid 29,344*l.* 7*s.* 7*d.* to the old claimants. He says—

> "I am directed to state, that the payment of 1,571*l.* 15*s.* 2*d.* out of the general fund of the institution, will of course make the trustees responsible in case there should be hereafter a deficiency."

Notwithstanding this caution, the trustees went on paying the old claimants with the full knowledge of the Government until they had paid away or transferred into new lease books nearly 50,000*l.* to the old claimants—thus paying them with the money of the new depositors. In the mean time, the old trustees who may have been recently relieved of the trust—those who remained in the Government must have known were not security, and, to crown all, lest there should be any doubt of the matter, the Act of 1844 taking away all liability was passed. Now, what were the grounds for this conduct on the part of Government? He would read an extract from the evidence of Mr. Higham, which would explain it all. He was asked by him (Mr. Fagan) the following questions:—

> "Nos. 3082 and 3083. You stated that on grounds of public policy, the account of the Cuffe-street Savings' Bank was kept open.—Answer: Yes. And the result of so keeping open the account has been, that the depositors in that Savings' Bank have been losers to a large amount, that loss being caused by the Government acting on grounds of public policy?—Answer: Yes, it appears to be so."

Such is the answer of the Secretary of

the Commissioners for the Reduction of the National Debt. If, then, it was public policy seeing that there were twenty-eight millions of deposits depending on the decision—if it were public policy that decided the Government to keep open this bank, and sacrifice the poor depositors of Dublin for the public good, then by every principle of justice, of honesty, of fair play, he called upon that House, on Government, on the Chancellor of the Exchequer, to reimburse these poor people. It is impossible their claims can be rejected. He would not longer dwell on the Dublin case. He left it to the hon. representatives of that city to go more fully into it—and now came to the next case in point of importance. He meant the Killarney one. In this instance, too, the claim on the Government was strong and undeniable. In the first place the failure of that or of the Tralee bank would never have taken place had the Cuffe-street savings bank been advertised in 1831. That would have opened in time the eyes of the depositors. The case of the Killarney bank was this. When the actuary absconded there was owing to the depositors about 36,000*l.*—of this 20,000*l.* belonged to the depositors subsequent to 1844, and who had not in consequence the personal security of the wealthy trustees of that bank. There was 16,000*l.* in the hands of the Commissioners for the Reduction of the National Debt to the credit of the Bank. This 16,000*l.* was of course made up out of the 20,000*l.* lodged since 1844, and of course honestly belonged to these new depositors who had not the trustees liable to them. The owners of the 16,000*l.* lodged before 1844 held the trustees responsible for every farthing, for Mr. Tidd Pratt's award found them guilty of wilful neglect and default. The accounts of this bank were not duly furnished in time according to law, so that Government could at any time have closed its account. Such being the state of facts, how did the Government act? They allowed the trustees to draw from them the 16,000*l.* This money belonging to the new depositors they applied to pay those to whom they were liable, and the unfortunate new depositors since 1844, who had no security, were thrown off without a farthing except what they obtained from private benevolence. Now, he insisted that the Government ought to have returned this 16,000*l.*, and in this he was supported by one of the most eminent and most dispassionate lawyers in Ireland—Mr. Serjeant Green. His opinion on the law is thus given:—

> "I am of opinion that, under the 46th section of the 9th George IV., chap. 92, the Commissioners for the Reduction of the National Debt had authority, upon being apprised that the trustees of the Savings Bank had neglected to transmit the account required by the Act, or had neglected or refused to obey any orders or directions given by the Commissioners, to close the account of the trustees, and to discontinue keeping any further account with them, and to hold the funds then in their hands until such account should be reopened."

The Government, then, in the Killarney case, was as guilty of *laches* as in the Cuffe-street one, and in justice bound to relieve those unfortunate persons who were now suffering by its neglect and default. As for the Tralee case, which he would leave in the hands of his hon. Friend the Member for Kerry, he would simply state the accounts there were never, for years, duly forwarded according to the law, and that if the law had been carried out and the account closed, there would not have been the desolation and misery which the failure of that bank caused—over 37,000*l.* having been lost by its defalcation. It appears, further, that by the *laches* of Mr. Tidd Pratt, the Government official, even the depositors before 1844 could not recover from the trustees—such was the wise decision of the Queen's Bench—such the mess in which the whole was involved. He would, in conclusion, call on the right hon. Gentleman to reconsider this matter. He was now about to provide for the future in his present Bill. Let him, in the Committee upstairs, consent to consider the case of the past, which cannot be called into precedent, and he will thereby be doing but common justice to the industrious poor who lodged their money, thinking they had the Government security; and he was convinced that that House would readily sanction any vote asked for for so just and benevolent a purpose.

Mr. GROGAN said, that the hon. Member for Cork had left him very little to say upon the subject of the Cuffe-street savings bank; but he could not help expressing his regret that the right hon. Gentleman the Chancellor of the Exchequer had omitted all allusion to the crying injustice which had been perpetrated upon the unfortunate depositors. He approved highly of the limitation to 100*l.* as the entire amount of deposits under the proposed Act. But he wished to know whether the present limitation to the amount of 30*l.* in the course of one year was to be continued?

The CHANCELLOR OF THE EXCHEQUER: Yes; it will not be altered.

Mr. GROGAN: Is the treasurer to be paid by the public or the Commissioners?

The CHANCELLOR OF THE EXCHEQUER: By the Commissioners.

Mr. GROGAN: Will the interest be reduced upon old deposits as well as new?

The CHANCELLOR OF THE EXCHEQUER: After the 20th of November next the reduction will take place upon all deposits then in the savings banks.

Mr. GROGAN would suggest that a balance sheet ought to be prepared in every bank, to which the depositors could have recourse whenever they pleased. There were some other matters also which might possibly be suggested at a future stage as improvements upon the Bill. But he regretted that the right hon. Gentleman should have altogether omitted to mention who was to compensate the unfortunate individuals who had lost by the savings banks through the fault of the Government. In the case of the Cuffe-street bank, the moment the actuary Dunn was discovered to have left Dublin, the trustees appointed one of their number, Mr. Foote, to go over to London, with full authority to act for them, and to lay the precise condition of their affairs before the Government. He did so, and the Government recommended that course which had been subsequently pursued. The Commissioners admitted that they were aware of the gross irregularities existing in the Cuffe-street bank; yet they took no steps to reform them. They protected Government indeed effectually, but they neglected in the same degree the interests of the public, who trusted to an establishment watched over, as they imagined, by Government officials. If ever there was a case to call for the interference of this House, that of this Dublin bank presented it. What was the result of the extraordinary conduct of the Government? The bank had stopped payment; it was totally bankrupt; and the poor depositors lost their money. The Commissioners, in acting as they had done, violated an Act of Parliament; and when charged with this, their excuse was, that had they acted otherwise—had they shut up the bank, they would have broken another statute. Thus it appeared that if they shrunk from violating one Act of Parliament for the protection of the people, they had no such scruples in regard to violating another in the interest of Government. He put it to the House whether it was right when, by the misconduct of public officers, a great number of poor depositors had been injured, that the Government should come forward and tell them that they (the Government) were not technically liable? Had the depositors been aware that they were trusting their money, not to the security of Government, but to that of irresponsible trustees, they would not have been so ready in coming forward with deposits; but the fact of the Commissioners of the National Debt having continued to recognise the bank as a legal and regular establishment, induced the depositors to believe that their money was safe, and gave them a fair claim to reimbursements at the hands of Government.

Mr. SLANEY said, these questions in reference to the losses of depositors by savings banks were of the deepest interest; but he understood there were Committees appointed for the purpose of considering these questions carefully, and a Committee was again to be appointed to take them into consideration; and therefore it seemed to him that the statements made in that House had better be made before this Committee. He earnestly hoped that in the Committee justice would be done to these humble people; and if the question was doubtful, he trusted they would give the benefit of the doubt to the depositors. With respect to the Bill, he believed no measure would be brought forward during this Session of Parliament which would interest so many persons as the Bill brought in that night by his right hon. Friend. The number of persons interested in that matter were numerous beyond example, and they looked for aid and assistance to that House. He thanked his right hon. Friend most gratefully for the attention he had paid to the subject; and if he (Mr. Slaney) made one or two observations which might appear to be in a hostile spirit, he assured his right hon. Friend that he made them in a friendly spirit. His right hon. Friend assumed that the depositors in savings banks were not in a state of security, and he proposed by this Bill to place them in a state of security. Now, he gave him credit for that; but his right hon. Friend, in doing so, made them pay for it. He (Mr. Slaney) regretted that his right hon. Friend thought it his duty to diminish the amount of interest the depositors were to receive, because the amount was to come from the taxpaying public. Now he, for one, would be most willing to pay a small bonus to tempt the savings of these poor people, and he did not think any one would have grumbled to pay their quota, to assist the prudence of these poor persons. But there was another point that he regretted more than the diminishing of their interest. He regretted that his right hon. Friend had thought it right to decrease the amount allowed to be deposited in savings banks. The sum at present allowed was 150*l.*, and he proposed to reduce it to 100*l.*, thus cutting off no less than one-third of the whole investment which they were allowed to have. The statement in support of that proposition was, that these deposits were a great expense to the country; and his hon. Friend, the Member for Montrose, who was a great advocate for economy, said that was the case. But if on the one hand they lost a little by paying to the depositors this interest, they on the other hand gained much more by the forethought and by the prudence which they induced in these persons, by giving them the opportunity of investing their savings. He thought if any one would look at the great advantages which the middle and the higher classes had in investing over those which the poor had, he would see the wisdom of giving to the poor every inducement to invest. As to investment in land, it was utterly impossible, such were the complications of that mode of investment. And investment in the funds was beyond their means. But when he mentioned this, he must say that he gave his right hon. Friend the meed of his gratitude for one provision, which compensated for the other. His right hon. Friend gave to them the power, when they had arrived at 100*l.* of becoming stock owners. Now that would be of the greatest possible utility, not only to those who were themselves depositors in the savings banks, but it would be a great example to many persons having small means. His right hon. Friend had stated, and most truly, that the parties who made deposits were anxious to receive, not so much their interest, as to receive back the same principal. Now, as far as it went to 100*l.* they would receive it, but as soon as their deposits reached 100*l.*, they were to receive 100*l.* stock. Now he begged to ask his right hon. Friend, whether, instead of receiving 100*l.* stock, they should not have 100*l.* in Exchequer-bills? He thought that would be of the greatest possible advantage; and he must say that if it was practicable to divide Exchequer-bills into smaller amounts, that was, instead of 100*l.* being the minimum, they could have 50*l.* Exchequer-bills, it would be a great stimulus to persons investing their money in Government securities. He trusted that his right hon. Friend had taken measures to prevent the necessity of these parties having a power of attorney to receive their dividends, as the expense of such instruments would be a great drawback; and he hoped, also, that means would be taken to give the advantage of the measure to friendly societies.

Sir J. JOHNSTONE wished to remind the House, occupied as it had been with the conduct of the trustees and managers of defaulting savings banks, that with reference to the Scarborough bank, the only omission which could be imputed to the managers and trustees, consisted in their not having sent for the depositors' pass-books, to compare them with the ledger; a precaution which had never, except in very particular cases, been deemed necessary. If in Committee the case of such banks as that of Scarborough were to be considered, as well as those of the Irish banks, he hoped that every exertion would be made to prevent the depositors in the establishment in question from sustaining even the small loss to which at this time they were exposed. At present the trustees and managers did not make good the trifling deficiency, because, as a matter of principle, they did not conceive that it had been occasioned by any mismanagement on their part; but were any imputation thrown upon them of having neglected the least iota of their duty, they would pay up every sixpence of the loss incurred by the depositors. He wished to know from the right hon. the Chancellor of the Exchequer if the treasurer was responsible only for those sums that came into his hands?

The CHANCELLOR of the EXCHEQUER: Yes, only for these sums.

Mr. H. A. HERBERT said, the right hon. Gentleman the Chancellor of the Exchequer had commenced his speech by calling on hon. Members not to go into any detail with reference to the past, but to confine their observations to the Bill brought before the House, and then proceeded at considerable length to discuss the responsibility resting upon Government. The right hon. Gentleman assumed that none of those allegations that had been made had any foundation in fact, and stated his conviction that hon. Members had no foundation for what they had so often asserted. The hon. Member for Shrewsbury had called on them not to make any remarks on the subject, because the Chancellor of the Exchequer was about to propose a Committee. Now, he (Mr. Herbert) had no faith in the report of the Committee that would be appointed, because he assumed that the right hon. Gentleman was about to reappoint the Committee of last year. He would be the last man in the world to make any insinuations against the Members of that Committee; but look to the mode in which the Committee was appointed. In 1848 the hon. Member for Dublin placed on the Notice-book a Motion for a Committee to inquire into the Irish savings banks. For three months that Motion was postponed. Night after night the Chancellor of the Exchequer requested him to put it off, till at last, tired of waiting, he (Mr. Herbert) gave notice that he would bring forward the subject on a supply night. The moment the Chancellor of the Exchequer found it was in the hands of an hon. Member on that side of the House, he came forward and said he would grant the Committee; but in making that concession the right hon. Gentleman had taken advantage of his (Mr. Herbert's) inexperience in the House, and stipulated that the Government should have the nomination of its Members. When the names of the Committee appeared, many hon. Gentlemen said to him in familiar terms, "You have been done." And the hon. Member for Limerick remonstrated with the right hon. Gentleman on the composition of the Committee, his grounds of objection being that it was a Committee to inquire into Irish savings banks, and there were only three Irish Members upon it. The right hon. Gentleman said—Yes, it was perfectly true that this was an Irish inquiry; but they would have to go into the question of English savings banks also; and he appealed to them whether they would create a discussion which might cause a run upon savings banks. Upon these representations they acceded to the names proposed, and said, "Very well, if that is the case, we will not press for any alteration of the Committee." The Committee of which the right hon. Gentleman himself was chairman, after having taken evidence, made a very short report, which stated that they had not been able to go into the merits of the case, and recommended further inquiry. The following Session, which was last Session, the Lord Mayor of Dublin placed on the Notice-paper a Motion for a Committee. How was that met? It was met by a distinct negative, and upon two nights Her Majesty's Government were in a minority on the appointment of that Committee. And now they were told that the right hon. Gentleman himself intended to move the appointment of a Committee, and he asked the House to wait till one or two o'clock in the morning, when hon. Members were fatigued, and no one could obtain a hearing. Perhaps the right hon. Gentleman would tell them what the Committee was for. They had got the evidence—evidence which, he believed, if it was perused by any independent Member of that House, would prove to him that there was a case made out for payment of those unfortunate people who had lost money by these defalcations. In 1848 the right hon. Gentleman refused to print the evidence of the Committee. In 1849 he (Mr. Herbert) asked him to let it be printed, and he assented. The evidence had not been printed ten days before leading articles appeared in the *Morning Chronicle* and the *Times* stating the great hardship on the depositors, and that cases had been made out for the repayment of their money. Since that expression of public opinion, there had been fresh evidence, to a small portion of which he would call the attention of the House. One word more only with respect to the Committee. It would be in the recollection of hon. Members that an anxious wish was expressed on the part of Irish Members to have on the Committee the name of the hon. and learned Member for the city of Dublin. The Chancellor of the Exchequer said he objected with great regret to the nomination of the hon. and learned Gentleman, and that nothing would have induced him to do so, but he wished to stick to the reappointment of the Committee of the previous Session. Well, the hon. Member for Montrose was a Member of the former Committee of 1848, and expressed his intention of not serving on the Committee for 1849. That was subsequent to the debate in which the hon. and learned Member for the city of Dublin was objected to, and it would have been very natural for the Chancellor of the Exchequer then to have nominated him; but he insisted upon nominating the noble Lord the Member for Kildare. That noble Lord was a personal friend of his, and he was not likely, therefore, to asperse him; but in the case of this Committee, where very intricate evidence had to be taken, and legal points discussed, he said he was not capable of adequately supplying the place of the hon. and learned Member for the city of Dublin. He said, then, this was the time for bringing forward any evidence he had to bring forward that was given before that Committee. He should confine himself to the particular grounds on which he had stated thst these parties ought to be repaid. He found them, first of all, in the Act for 1844; and he would read to the House the evidence of Mr. Tidd Pratt, that in his opinion a gross hardship had been inflicted by the passing of that Act:—

> "210. You have stated that there is no power to inspect banks, and that you only visit them when you are called on to do so to settle disputes?—That is all.
>
> "211. If no dispute arises, you never visit a bank?—No.
>
> "212. And the trustees and actuaries are perfectly uncontrolled in the management?—Just the same as any gentleman is in his own private affairs."

Having stated that, would the House listen for a moment to the position in which the Act of 1844 placed the depositors? The hon. Member for Cork stated that there was a sum of 36,000*l*. due to depositors in the Killarney savings bank, and there were only 16,000*l*. of assets. Now, that 16,000*l*. instead of being divided, as in justice and equity it ought to have been, equally amongst the depositors, was divided in this way:—20*s*. in the pound was given to depositors previous to 1844, and 3*s*. in the pound to the depositors subsequent to that period. What was the reason of a decision so unjust, so monstrous, but the passing of the Act of 1844? This was the evidence of Mr. Tidd Pratt on that point:—

> "3,703. (Mr. Herbert.) Did you not, in the Killarney case, award 20*s*. in the pound to depositors previous to 1844?—Yes; I awarded that the trustees and manager should pay 20*s*. in the pound.
>
> "3,704. And you awarded 3*s*. in the pound to those that had deposited subsequent to 1844?—Yes.
>
> "3,705. Of course you made those awards in conformity with what you considered to be the law?—Decidedly.
>
> "3,706. Do you think that that state of the law has caused a gross practical injustice to the depositors subsequent to 1844?—There is no doubt that the Act of 1844 caused a great injustice.
>
> "3,709. Supposing the Act of 1844 had not passed, would you not have divided the whole sum that remained in the Killarney case equally amongst all the legal depositors?—I should, if the Act of 1844 had not passed.
>
> "3,710. If you had been called upon as a private gentleman to award, and you had been told to distribute this money according to the equity of the case, would you have distributed it equally among all the legal depositors?—I think I should have distributed it equally among all the legal depositors, if it were not confined by any Act of Parliament."

Allusion had been made to the number of irregularities which the Commissioners for the Reduction of the National Debt had permitted. In almost every particular where the Acts evidently contemplated their controlling and seeing efficiently carried out provisions eminently intended for the protection of depositors, they had failed to do so. The Commissioners of the National Debt had neglected their duty in not seeing that the Act of Parliament was complied with; and their permitting irregularities on the part of the banks, was clear if the House turned to the evidence of Mr. Higham, the Secretary to the National Debt Office, given before the Committee in 1848. The *Morning Chronicle*, in an able article on the subject, had very appropriately characterised the evidence of that gentleman as a "free-and-easy style of evidence." When Mr. Higham was asked respecting the bonds given by actuaries, which the Act required to be lodged with the Commissioners for the Reduction of the National Debt, his evidence was as follows:—

> "1,060. Was not it the duty of the commissioners or the comptroller under that Act to be in possession of the bonds?—Yes.
>
> "1,061. As far as they are not in possession, they have not acted as the Act directs?—Strictly speaking, they certainly have not.
>
> "1062. Speaking in any way, has the Act been complied with?—The Act has not been complied with, in so far as the bonds were not lodged according to this Act in the hands of the commissioners.
>
> "1,063. Is not it the fault of the commissioners that they have not been so lodged; does not the Act direct them to see that they are lodged with them?—It directs the comptroller or assistant comptroller to ascertain if those bonds are lodged with the commissioners.
>
> "1,064. Did you in this case ascertain that respecting the bonds of the Tralee bank?—Looking at this document, I should say we did not.
>
> "1,065. With respect to the Killarney bank, what is the case?—It appears to be in the same position as the Tralee bank.
>
> "1,066. What bonds have you belonging to any Irish savings banks?—I do not know what bonds Mr. Tidd Pratt has in his possession."

He would ask any hon. Member if his own agent admitted that it was his duty to do certain acts, although unimportant ones, and that he had neglected to do them, would not instant dismissal follow? One of the Acts prescribed that the National Debt Commissioners should publish the names of those banks which neglected to transmit their accounts regularly. Mr. Higham was asked—

> "670. Have you ever published the name of any bank which has not sent you its accounts regularly ?—We have not, because we have never found any bank which has not sent in its accounts regularly ; when I say regularly, I do not mean to the day, but within a sufficient time to enable us to make our returns to the Board of Trade, which we do at the beginning of June."

But this was perfectly immaterial in comparison with other gross breaches of duty on the part of the Commissioners. He had a charge to make against them which would startle some hon. Members, namely, that when accounts were transmitted to them, they passed and signed them without the slightest supervision, overlooking gross errors of addition and multiplication, which a schoolboy would at once have detected. On the failure of the Killarney bank, in 1848, he had seen in a county newspaper what purported to be a copy of the yearly account sent to the Commissioners; and in ten minutes he detected errors to the extent of 4,000*l.* His first impression was, that this was only an account with which a fraudulent actuary had deceived the trustees, not thinking it possible that it could have been submitted to the National Debt Commissioners. But Mr. Higham admitted that this account had been passed. He (Mr. Herbert) went to the National Debt Office, and found that the accounts since 1844, passed and signed by the Commissioners, contained the grossest errors. The secretary was examined at considerable length on this subject: his answer, in the free-and-easy style, was, it was not their business to look to them—it was impossible to ascertain what was in the accounts. He was asked—

> "615 (Mr. Fagan). But here on the face of the accounts, where there are forty-one depositors of 100*l.*, and they are thrown out 1,351*l.*, instead of 4,100*l.*—is it a portion of your duty to investigate that part of the account ?—Decidedly not ; we do not look at the particular items ; we only cast up the several items to ascertain whether the gross amount is correct.
>
> "616. If by accident you had made such a discovery, what should you have done with the account ?—If it had caught my eye, I should have returned it, of course, being an apparent discrepancy ; I should never think of passing an account where I saw the least variation, if it caught my eye."

Thus it depended entirely on whether these errors caught the secretary's eye, whether these accounts should be of any use or force whatever. Reference had been made to the opinion of Mr. Greene, the late Attorney General for Ireland, one of the best lawyers either in Ireland or this country. As only a portion of his opinion had been read, he would quote the remainder :—

> "I am of opinion that under the 46th section of the 9th George IV., cap. 92, the Commissioners for the Reduction of the National Debt had authority, upon being apprised that the trustees of the savings bank had neglected to transmit the account required by the Act, or had neglected or refused to obey any orders or directions given by the Commissioners, to close the account of the trustees, and to discontinue keeping any further account with them, and to hold the funds then in their hands until such account should be reopened. I also think, that, under the section of 3 & 4 William IV. referred to (sec. 30), the Commissioners were required to publish the name of the savings bank guilty of default in not transmitting the account directed by the former Act, and that in omitting so to do, the Commissioners were guilty of a violation of the duty imposed upon them by the Act."

He could not omit to allude to the extraordinary incapacity or misconduct of the gentleman whom the Government had appointed to exercise such meagre supervision as they were told could alone be exercised over the officers of savings banks under these Acts. Mr. Tidd Pratt had gone down to Tralee, and had made awards against a certain number of the trustees, but with such a degree of haste and precipitancy that it was perfectly evident he must have fallen into errors of considerable importance, as it was impossible he could have gone into all the circumstances which he professed to have gone into. One of the trustees was sued on one of these awards at the spring assizes of 1849. After a lengthened trial, Mr. Tidd Pratt himself being present and giving evidence, the jury, on the charge of the Judge, found a verdict for the defendant. The Judge told the jury that what was urged in the award—namely, that the party had wilfully neglected his duty—had not been proved, but that, on the contrary, it had been proved that he had not been guilty of such neglect, for he had attended to the utmost of his ability, and he was the only trustee who had done so. When this case was quoted on a former occasion, the right hon. Baronet opposite thought it a sufficient answer ; but he did not believe the House would think so—to say, that it was an Irish Judge and an Irish jury, that Judge being Mr. Justice Ball, the late Whig Attorney General, who was generally held to be a sound lawyer. An appeal had been entered and argued, and judgment had been given by Lord Chief Justice Blackburn, in the Court of Queen's Bench only on Wednesday last. He said—

> "On the 21st of April, Mr. Pratt, in his evidence, stated that he issued a circular notice to the trustees and managers, including the defendant, and sent it to them. He then stated that many of the persons to whom these circulars were addressed attended, and amongst them was the defendant. Mr. Pratt then stated that he would be in attendance next day, and would receive the claims of the depositors; that he attended for three or four days, when the depositors made their claims, the defendant, amongst other trustees, attending; but he had been assured by him (Mr. Pratt) that in doing so he did not thereby increase any liability beyond that to which he would have been subjected if he had not attended at all. Mr. Pratt further said, that he gave no notice in writing at the bank of his intention—that was, that he did not serve the notices required by the Act of Parliament at all. He (the Lord Chief Justice) need not remark, that it was essential to the validity of any award, as it was to that of every judicial proceeding, that the party to be bound by it should have all that notice of it which the law required; and he might extend that remark in a greater sense to those who from their joint liability might have an interest in seeing that others having an equal liability had also full and sufficient notice. Now, let him see, had all or any of the parties the notice to which the Act entitled them. According to the evidence, not one of the plain and simple directions of the Act of Parliament were pursued by the public officer. There was not any notice in writing, of any kind, sent to, or left at, the office of the bank. The circular of the 21st was not so left; or, indeed, if it had, it was not written and delivered before any dispute arose. There seemed, therefore, in all these respects to have been an omission of compliance with the law prescribed as essential to the jurisdiction of Mr. Pratt."

Thus the former decision was confirmed; and the unfortunate depositors, who had sought by law to obtain such redress as the imperfect provisions of the Acts of Parliament afforded them, had been thrown overboard, in consequence of the utter incompetency of a public officer. So far from everything being conducted in the business-like manner which the importance of the interests at stake demanded—so far from the Acts themselves being drawn up with that care which the interests of these poor people required—every stage in the proceedings, and every clause of the Act, exhibited a total disregard of those interests. Here was a case where a number of industrious persons had been reduced to the most deplorable state of beggary and destitution, not through any fault of their own, but actually owing to their possession of those qualities which it was the duty of every good Government to foster and encourage, in consequence of their habits of temperance, industry, and self-reliance. What was the use of preaching to the poor the duty of being honest, industrious, and self-dependent, if the fruits of their hard earnings were thus to be swept away? He had witnessed the sufferings of these people; he had seen in the workhouse persons who had spent a life of toil, and never dreamed of being compelled to seek parochial relief; he had seen one who, with a hardy spirit, asked if there was any chance of justice being wrung from the Government; and another, who had lost his intellects in consequence of the shock occasioned by the failure of one of these banks. Mr. Tidd Pratt had stated in his report that these people deserved no pity or commiseration, because in some cases their deposits had been allowed to exceed the legal limit; and the right hon. Gentleman the Chancellor of the Exchequer had that night said that the claim was a novel one—that there never had been a claim of such a nature. He would remind the right hon. Gentleman that there had been cases in England where the trustees had come forward to make good the deficiency; but that was before the alteration of the law in 1844, when they were legally responsible for any defalcation that might take place. The Rochdale case was the only one that had occurred since; and the result of that case had been a pressing application to the Government for compensation to the sufferers.

Mr. BANKES thought the hon. Member for Kerry had given good reasons why he had taken the present opportunity of offering his remarks to the House, instead of waiting till the nomination of the Committee, which would probably take place at a period of the night when he might not be able to obtain that attention which the subject deserved. He was aware that the right hon. Chancellor of the Exchequer wished that the subject should be considered prospectively. But as three months of the Session had elapsed he thought he was entitled to ask the Government whether they intended to give any aid to those who in England and Ireland had suffered so severely from the failure of savings banks—and in some degree, he must say, from the neglect of the Government itself? During three Sessions the attention of the House and of the Government had been called to this particular subject, and it was extraordinary, considering that neglect of duty on the part of persons connected with savings banks was known to some members of the Government, that last Session should have been allowed to pass without a measure of this kind being introduced. The Government were aware of what was not generally known—that the Bill of 1844 materially affected the safety and security of the depositors, and yet they permitted the Session to slip away without bringing forward any measure on the subject. In his opinion Government was justly to blame for their neglecting this subject, from the time they became aware of the circumstances alluded to up to the present moment. Only the other day another case of failure had occurred in a neighbouring county, and there was no saying where the matter would end. Not only had they to regret the pecuniary loss of the sufferers, but also the public loss which would arise from circumscribing the limits of these beneficial institutions, in consequence of the neglect of the Government in not earlier applying a remedy. He would not say that there was a greater disposition in that House to legislate for the rich rather than the poor; but he did say, that if the sufferers in the present case had been trustees, and not depositors, more would have been said about the matter. The hon. Member for Scarborough, and the hon. Member for Rochdale, had both alluded to the failures that had taken place in their neighbourhoods. He did not clearly understand whether the proposed Committee was to embrace those places as well as Ireland. The hon. Member for Kerry had given a very satisfactory reason why he did not desire the appointment of the Committee with reference to the case of Ireland. The hon. Member seemed to think that the question of their claims was so clear that a Committee would only be a waste of time. In regard to all cases—taking into consideration the ignorance of depositors with regard to the terms on which they had intrusted their money, and their belief that they had the security either of the trustees or the Government itself, he thought a claim might fairly be urged on their behalf. There were not wanting precedents for remunerating parties who had suffered from no fault of their own, but from that of public officers. In one case, the Bank of England had granted an indemnity of 300,000*l.* or 400,000*l.* to parties who had suffered from a forgery. It was their duty to render savings banks as secure as possible. He was aware that it would be better to discuss the Bill at a future stage, but thought that the present was not an unfair time for calling the attention of the House to the subject, and asking the Chancellor of the Exchequer whether he had made up his mind to recommend any assistance from the public purse to those who had suffered?

COLONEL THOMPSON said, these unfortunate depositors had a claim against the country, which was more than against the Government, for the country was mainly to blame. In a country so free as this, the Government was the agent of the country; and the Government having many occupations of its own, the country ought to have looked into this business itself, and not have allowed unhappy starving Irishmen, whom clergy and laity had rushed to urge to save their potato-peelings and lodge them in savings banks, to find themseles defrauded of their painful savings. The country not having done so, he hoped it would not grumble or resist, when called on to find the funds for redressing this great evil. Why should not the country have forced the Government to take precautions? It was done in the case of collectors of taxes; if they ran away with the money, no harm was done, for they left their securities behind them. Why was not that done in savings banks? Why was any opportunity left for the infirmity of mankind to display itself in this most piteous and most painful form? With ordinary pains, the Government might apply itself to this question with success; for the difficulties surrounding it might all be obviated. Why, for instance, should a limit be put on what the frugality of individuals should enable them to lodge in a savings bank? A private banker never attempted to limit the amount of his customers' deposits; for the more they brought to him, the greater his profits. Why should not the same be the case with savings banks? A proverbial expression implied, that some things were cheap, but so squalid that they were not worth having. He apprehended depositors never would demand that species of cheapness, which was accompanied with the uncertainty of ever seeing their money again; they would never grudge a just and proper payment for any fair advantage. He hoped these suggestions might be useful towards devising a remedy for the evils that had arisen, and for preventing their recurrence.

The CHANCELLOR OF THE EXCHEQUER said, with regard to the question which had been put to him by his hon. Friend the Member for Shrewsbury as to the issue of Exchequer-bills, in connection with this subject, he would merely observe that the general opinion of the country appeared to be that the number of Exchequer-bills should be decreased rather than increased; and as to the question of the hon. and gallant Colonel the Member for Bradford, he would remark that he did not think it would be advisable to extend the operations of savings banks in the manner which he proposed. The suggestion that in the case of these savings banks the functions of general bankers should be assumed, would not, he thought, on further reflection, be pressed. With regard to the services of notices in these cases, he did not think this was a proper or convenient opportunity for going into a lengthened discussion upon the subject, and he would only refer to the last instance of gross abuse which had occurred. With regard to the statement that proper notice had not been given to the trustees, what was really the fact? He believed it to be perfectly true that the award had been upset by the Court of Queen's Bench in Ireland. The enactment was, that notice should be given at the place where the savings bank was kept; and in this case the savings bank had been kept at the house of the actuary, but at the time for serving the notice the man was in gaol, and the house was shut up, and the whole of the papers of the savings bank were in the town-hall. How, then, was the Government officer to make the trustees and managers aware that they should attend the meeting? He was enabled to act *ex parte*, and he sent written circulars to every trustee and manager. The meetings were attended by several of them, and every meeting was attended by the party against whom the action was brought. Therefore the person that could, in that case, be damnified by the absence of notice, not only received it but attended. So far from there having been any neglect, the only possible way of executing the intentions of the Act of Parliament was adopted, and notice sent to every one of the trustees and managers. He must tell the House that he did introduce a Bill to extend the provisions to this country of the Bill which had been proposed for Ireland; but having been opposed by hon. Gentlemen at the opposite side of the House, he was obliged, against his will, to give it up. As an actuary had been appointed to report upon this subject, it was indispensably necessary to reappoint the Committee to receive his report.

Mr. BANKES: Is that Committee to embrace the case of Rochdale?

The CHANCELLOR of the EXCHEQUER: At the present moment I don't intend so to do. All the cases differ very much. Probably we shall be shortly able to make up our minds as to what we shall do with the others.

Bill ordered to be brought in by the Chancellor of the Exchequer and Mr. Attorney General.

ECCLESIASTICAL COMMISSION BILL.

Order for Second Reading read.

Sir G. GREY, in moving the Second Reading of the Ecclesiastical Commission Bill, said, that it would be necessary for him to make a short statement to the House of its objects, and the main provisions which it contained. In 1847 a Select Committee was appointed to inquire into the composition and management of the Ecclesiastical Commission for England and Wales. That Committee, which was appointed at a late period of the Session, took some evidence, but did not report their opinion to the House. The Committee was reappointed in the Session of 1848—they took a great deal of additional evidence—and in August of that year they made their report. That report, after briefly adverting to the origin of the Ecclesiastical Commission, namely, in the appointment in 1835 of a commission to inquire into the ecclesiastical revenues in England and Wales, proceeded to state what was the original composition by Act of Parliament of the permanent Ecclesiastical Commission; and, after shortly adverting to the nature of the duties imposed upon it, proceeded to trace the alterations that had taken place in its composition. The report stated that—

> "In 1840 a great change was made in the composition of the Commission; the numbers were increased from thirteen to forty-nine, and the Commission now includes, *ex officio*, the two archbishops, five Members of the Government, all the bishops of England and Wales, three deans, and six common law, equity, and ecclesiastical judges, together with eight permanent lay commissioners, six of whom are in the appointment of the Crown, and two in that of the Archbishop of Canterbury."

After adverting to some other points connected with the composition of the Commission, the report proceeded to say—

> "The Committee having considered the composition of the Commission, and having weighed the evidence as to its actual working, entertain

> an opinion that the present composition is liable to objection; that it is too large for the convenient transaction of much of the business in detail that is committed to it: that, though the breaking up of the general body into committees has been a great improvement on the early practice, still there is a want of that regular and systematic attention which more direct and undivided responsibility alone can insure."

And, after alluding to the frequent change of the chairman in consequence of the provision in the Act requiring the person highest in rank to be in the chair, went on to say—

> "The uncertainty of attendance among so large a body, and the want of obligation on any one person to attend more than another, and the difficulty thus created of preserving the thread of business, throw a larger power into the hands of the officers of the Commission than is fitting should fall to their share. The uncertainty of attendance is an inconvenience; the constant attendance of the whole body, consisting of persons having all of them other important duties to perform, could not be secured without greater sacrifices. On the other hand, the occasional attendance of most of the members in the Commission conduces, in many cases, to the advantageous transaction of business."

In consequence of these objections, the Committee recommended that the composition of the Commission should be changed, or rather that a division of duties should take place—namely, that the ecclesiastical department should be separated from the management of property. The Committee recommended that the general body should devote themselves to important questions affecting the interests of the Church; and that there should be a small Committee, to manage the property of the Commissioners. They recommended that there should be three paid Commissioners—two of them to be nominated by the Crown, and one by the Archbishop of Canterbury. They proposed that four Members should constitute a quorum for the management of the property, and that the presence of one of the paid Commissioners should be necessary for this purpose. These were the main recommendations of the Committee. Her Majesty's Government agreed with the report of the Committee that the present composition of the Commissioners was unfavourable to the due discharge of the important duties entrusted to them; but in saying this he did not mean to undervalue in the least the great and important benefits which, through the agency of the Commission, had been conferred on the country by the augmentations of small incomes, and making better provision for the cure of souls, and the spiritual destitution of the people. Her Majesty's Government agreed with the Committee that it was desirable there should be a more undivided and direct responsibility in the management of a great portion of the business which now devolved on the Commissioners. The present Bill, therefore, was essentially founded on the recommendations of the Committee, though in minor details there might be some difference. The main recommendation of the Committee was that which related to the division of the present Commission, with a larger body for the consideration of grave interests affecting the Church, and a smaller committee appointed for the management of the property. Some doubt had arisen as to the meaning of the word "committee;" but till he had heard the doubt suggested some time ago, it would never have struck him that this committee was intended to be anything else than a committee of the general body. It was not to have a separate existence from the general body, consisting only of the paid members, but was to be a committee of that body. That view of the question was confirmed by the paragraph of the report which proposed that four Members should form a quorum; but that for this purpose the presence of one paid Commissioner should be necessary. The Bill proposed to create a small committee to be called the Estates Committee, whose duties were defined in the 7th clause. They would have—

> "To consider all matters in any way relating or incident to the sale, purchase, exchange, letting, or management, by or on behalf of the Ecclesiastical Commissioners for England, of any lands, tithes, or hereditaments, and to devise such measures touching the same as shall appear to such Committee to be most expedient, and to report fully thereupon to the said Ecclesiastical Commissioners in writing under the hands of three Members of such Committee, of whom two or more shall be Church Estate Commissioners."

By the 10th Clause it was provided—

> "That the said Ecclesiastical Commissioners at any time and from time to time may refer any other matters to the consideration of the said Estates Committee, or by an instrument under the common seal may authorise the said Committee, or the said Church Estates Commissioners, or any two of such Commissioners, to do and complete any act within the power of the said Ecclesiastical Commissioners, except affixing the said common seal to any instrument, without reporting or receiving further instructions from the said Ecclesiastical Commissioners."

It was also proposed in the Bill, in accordance with the recommendation of the Committee, to appoint three commissioners, who should be called Church Estates Commissioners; two of them to be appointed by the Crown, and the third by the Archbishop of Canterbury. Of these three it was proposed that the First Commissioner, to be appointed by the Crown, should receive a salary not exceeding 1,200*l.* a year, and that the Commissioner appointed by the Archbishop should receive a salary of 1,000*l.* a year. Both were to be paid out of the funds of the commissioners. These Church Estates Commissioners were to form an essential part of the Estates Committee, of which they were to be permanent members. But it was proposed to give power to the Ecclesiastical Commissioners at the commencement of every year to add two of their own number to these three, one of whom at least should be a layman. It was further proposed that the First Estates Commissioner should preside at all the meetings of the Estates Committee, or in his absence one of the other Church Estates Commissioners. It is proposed that three should form a quorum of the Estates Committee, of whom two at least must be Church Estates Commissioners, and these two must concur in and sign every report of the Estates Committee. It was provided that two of the Church Estates Commissioners must be present at every meeting of the Ecclesiastical Commissioners. There were two particulars in which the Bill differed from the recommendation of the Committee. The Committee recommended that the three commissioners should be paid. But in the present Bill it was proposed that only two of them should receive salaries, because it was thought desirable to encroach as little as possible on the funds of the Ecclesiastical Commissioners; and it was believed that, in the first instance, at least, a person might be found to discharge the duties of the Third Commissioner, who would not require any salary in respect of the duties he might render as one of the Church Estates Commissioners. But if there was any objection to this part of the Bill, it could be urged more properly in Committee than in the present stage. The other point in which the Bill differed from the recommendations of the Committee was this—that the Bill required the presence of the two paid commissioners instead of one, in order to constitute a quorum. The object of this change was to insure a more direct responsibility in those who were entrusted with the management of the property of the commissioners. The decision of the Estates Committee is not to be final; they were not to decide any questions referred to them, but were to refer them to the full board, who, he had no doubt, would pay every attention to the recommendations and suggestions which they received from the committee. He anticipated that the recommendations of that committee, considering the manner in which it was to be composed, would be entitled to so much weight, that they would not be overruled by the general body. There was also a provision of minor importance relating to the mode of appointing a chairman. The Bill provided also for the separation of the office of treasurer and secretary; and experience confirmed the wisdom of that recommendation, for he thought that the defalcations of the late secretary could not have occurred—at least, could not have taken place with so much facility, and such little chance of detection—if he had not combined the office of treasurer and secretary in his own person. It was now proposed to impose the duty of treasurer on the two paid Church Estates Commissioners. These were the main provisions of the Bill with regard to the composition and management of the commission. There were other provisions in the Bill of some importance, which were not contained in the recommendations of the Committee. The first was that which enabled the Ecclesiastical Commissioners to fix the incomes of the archbishops and bishops appointed after the 1st of January, 1848. It was considered very desirable that they should have fixed instead of fluctuating annual incomes, so as to remove the uncertainty which existed under the present system. There was also a clause in the Bill, as originally introduced, the object of which was to consolidate the episcopal and common funds, so as to render the joint fund available for all purposes which might conduce to the efficiency of the Church. An important alteration was made in this clause in the House of Lords, to the particulars of which he would not then advert. But he might state that it was the intention of the Government to give notice of a clause in Committee as a substitute for the one introduced into the Bill by the House of Lords with regard to these two funds, and which would be in substance similar to the one which the Bill originally contained. Doubts had been entertained with respect to the powers of the Commissioners to endow certain deaneries out of the estates which had been by law transferred to them. The incomes of the late Dean of Salisbury and the present Dean of Wells had been fixed by the Commissioners at 1,500*l.*, and they each accepted the deanery upon the understanding that that was to be the amount of income; but their power to augment these deaneries beyond 1,000*l.* was afterwards questioned. Under these circumstances, the Government consented to introduce a clause into the Bill presented to Parliament last year, authorising the augmentation of the two deaneries of Wells and Salisbury to the amount of 1,500*l.*, with the express restriction that the augmentation should be to those deaneries only, and to their existing deans. This clause underwent a material alteration in the House of Lords; the augmentation of income from 1,000*l.* to 1,500*l.* was made permanent, and it was extended to several other deaneries. Now, upon reconsidering the question, the Government did not think there was sufficient ground for this alteration; it was therefore his intention, before going into Committee, to give notice of a clause to restore the Bill, in this respect, to the shape in which it was originally presented to the House of Lords. Since the introduction of the Bill, the deanery of Salisbury had become vacant by death. The present dean would have an income of 1,000*l.* a year, and no claim would be made by him for any augmentation. It was the intention of the Government to propose another clause to carry out the object announced by his noble Friend at the head of the Government a few nights ago, namely, that as a dean was required to reside no less than eight months a year at his deanery, it should not be lawful for him to hold any benefice, together with his deanery, which was not within three miles of his legal residence. He had now stated the general purport and nature of the Bill; and he doubted not if the House assented to these proposed alterations they would be found to operate beneficially, and tend to a more efficient discharge of the increasing duties in the hands of the Commissioners, and would impose greater responsibility upon that body. He trusted that whatever points of difference might arise in Committee, if the House concurred in the principle of the Bill, they would have no difficulty in acceding to the Motion, that the Bill be then read a second time.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. HORSMAN: The proposed object of this Bill was to improve the composition of the Ecclesiastical Commission, and the Ecclesiastical Commission was undoubtedly a body that stood in much need of improvement. Considering how it was composed and how administered—how great its powers—how sacred its functions—and the inevitable effect of its good or bad administration in attaching or alienating many from the Church, he thought in the eyes of those who deemed the Church an institution worth preserving, and believed that its being preserved depended on its being efficient; few Bills had come before them this Session involving higher principles or more serious results. And he approached its discussion, bearing in mind the candid admission of the noble Lord made to them some time ago, that in the question of ecclesiastical reform he must propose not what he might wish, but what certain great Powers in another place would permit him to carry. No one could be blind to that truth who had watched the progress of this Bill in that other place. Great concessions were made by the Government in framing it, in hopes of conciliating the forbearance of the Prelates; but in vain. The worst parts of the Bill, as they now saw it, were inserted by the bishops; the best were a compromise on the part of the Government. It was not a Government Bill—the Government were no more responsible for its provisions than a godfather for the features of an ugly child—they charged themselves with its progress to maturity; but the parentage was episcopal, and as such they must regard it. The Ecclesiastical Commission being universally condemned by public opinion, this Bill was the sum of the concessions to that opinion which the bishops would condescend to make. Now what was the purport of this Bill—what defects did it point out? What remedy did it provide? He sought for an answer in the speech of its introducer. The first great and obvious defect, as he showed, of the present Commission, was its immense size. In 1840 the Commission, which had consisted originally of thirteen, was increased to forty-nine, and it then became a cumbersome and unwieldy body. So said the bishops, and nothing could be more true. This Bill was to remove the evils of the existing Commission. The first evil apparent was its oversize—how did the Bill remedy that? It did not touch it at all. The whole forty-nine were still members of the board, and three more were added. So the first universally acknowledged defect of the Commission was met by increasing the number from forty-nine to fifty-two. It must, therefore, be confessed, that this first effort at improvement was not a very happy one. The second objection to the present board was, that it consisted of high dignitaries in Church and State, who had other important duties to engage them. They could not, therefore, give attention to the affairs of the Commission, and thus it became a very inefficient, while it was also a very irresponsible, body. How was that inconvenience obviated by the Bill? Again, it was not touched at all: the control of the existing board over the business of the Commission remained absolute — it was still vested in a body inconveniently numerous, confessedly inefficient, and wholly irresponsible. But now he came to the real change in the Bill. The right hon. Gentleman drew their attention to the second clause, and dwelt with satisfaction on the appointment of two paid Commissioners—they were to be added to the Commission; and now let him examine the value of that addition, and in doing so he must take the Bill in connexion with the report of the Committee to which the right hon. Gentleman had referred. That Committee was composed of Gentlemen, as he had before stated, of whose friendly feeling to the Commission there could be no doubt. Five of them were members of the Commission, and two of the five were Cabinet Ministers; and it was impossible to deny that any conclusion they adopted unfavourable to the Commission must have resulted from mature deliberation, and any change they recommended must have been preceded by the strongest conviction of its necessity. That Committee recommended the appointment of three paid Commissioners. Now what was the motive, or rather he might ask, what was the principle of that recommendation? for, in fact, it constituted the principle of the Bill. The principle of the innovation was payment—payment carrying with it responsibility. Payment and responsibility were the aim of that Committee—payment and responsibility were the principle of this measure, if it had any principle at all; and the carrying out that principle, so as to make it a reality, was the duty they were now called on to discharge. Three paid Commissioners always, in attendance at the office, and transacting its business from day to day, would practically become the board. The *ex officio* members of the Commission would in effect be superseded by paid and responsible administrators; and that was a desirable result, and that it was the one contemplated by the Committee was proved by their providing that one of the paid Commissioners should be named by the Archbishop—a very unnecessary provision if he were himself an acting member of the Commission. But what responsibility was secured by this measure? The paid Commissioners were to be two in number, of whom one, as he had said, was to be named by the Archbishop of Canterbury, and removable at his pleasure—the Archbishop himself and all his brethren continuing on the Commission. Now, if the whole Episcopal Bench were retiring from the board, they could understand their saying "Let us at least leave behind us one Commissioner." But they all continued at the board. They insisted on having their own Commissioner there also; and how was the public benefited by the change? What new responsibility was established on their behalf? The public was represented by one Commissioner, who was neutralised by the Episcopal Commissioner, who, in fact, was all powerful with the whole bench of bishops at his back. The public did not even acquire a nominal control. But if some advantage were gained from having two new Commissioners, one named by the Archbishop, even that was done away with by the fifth clause, which constituted what was styled an Estates Committee, and the paid Commissioners were to do nothing except as members of that Committee. How was that Committee composed? Of five members, three of whom were nominated by the bishops, and of the two nominated by the Crown, one was an unpaid layman, whose functions were merely nominal—so that, again, of the regular attendants on that Committee, one member represented the public, and three were the nominees of the existing board. But even this was not all. One would imagine that the ascendancy of the Episcopal branch of the Commission was pretty well secured by this arrangement—but not yet content, the tenth clause provided that nothing should be done even by the Estates Committee without being authorised, or revised and approved by the whole board. Then he begged to ask, if payment securing responsibility were the principle of the Bill, what real responsibility did it establish? The Crown Commissioner was in a minority of one to three on the Estates Committee—in a minority of one to fifty at the whole board—and if a nominal responsibility were cast on him, as it assuredly would be, the whole power remained unchanged in the hands of the ecclesiastical members—and by the intervention of the Estates Committee, was more ingeniously secured than it was before. In short, it was a bad Bill, and conceived entirely in a wrong spirit; and if they wished to convince themselves what that spirit was, they had but to turn to the fifteenth clause. That clause raised the income of the Dean of York to 2,000*l.* a year, and of six other deans to 1,500*l.* a year. Now, in the first place, he asked what had this Bill to do with the incomes of Deans? The object of the Bill was short and simple—to improve the composition of the Commission—and how was that accomplished by doubling the Dean of York's income? And only conceive what this provision was. Parliament in 1840 fixed the Deans' incomes at 1,000*l.* a year, and pretty well that for sinecures; but a discovery was supposed to have been made recently, that a Deanery with only 1,000*l.* a year would go a begging among the clergy, and so this clause was inserted to remedy that evil: seven of the Deaneries were to be raised — seven only as a beginning—but, of course, all the rest would soon follow. If the Deans of Salisbury and Exeter must have 1,500*l.*, there could be no justice in compelling Rochester and Lincoln to starve on less. What was the result? But he would not discuss the clauses. He only referred to this one to show the false and retrogressive character of the whole measure. He repeated, then, that the measure was not only so imperfect in its details, but so mistaken and injurious in its spirit, that, if he were compelled to accept or reject it in its present shape, he should say at once, Reject it. But the principle of the Bill—that of administration by paid Commissioners—being admitted, it was with very obvious amendments capable of being made useful; and the first amendment on which they ought to insist was the carrying out of the recommendation of the Committee as to the number of paid Commissioners; and he knew nothing more shallow and untenable than the objection of the Commissioners to that recommendation. They were struck with a sudden fit of economy—plead the poverty of their poor Church—and protested they could not in conscience agree to an expense it could so ill afford. Now he might remark, in passing, that this sudden discovery of the low financial condition of the Church, and very tender regard for her limited resources, came rather strangely from those who, in the same breath, proposed to abstract some thousands a year to enrich the Deans —4,000*l.* a year additional was locked up for them in that clause—10,000*l.* a year more was soon to follow. Yet this same poverty-stricken Church, which could bleed at the rate of 14,000*l.* a year for sinecure Deans, would be ruined by the substitution of 1,000*l.* additional for an efficient Commission. But the inconsistency did not end here; and gladly as he would welcome any signs of penitence even at the eleventh hour, on the part of this extravagant Commission, his suspicions were more than excited as he proceeded, and found that the application of this frugal principle was so partial, that, in every other department of their administration, the same boundless waste and improvidence existed as heretofore; and the only one solitary exception to that prodigality on the part of the Commissioners was where a small salary to a new Commissioner might involve a large curtailment of their own power. For let him now show a little more of the system of these Commissioners as it reigned unchecked, not at the Board of the Ecclesiastical Commission—for that he had described already—but at other boards ruled over by the same Commissioners, for the Board of the Ecclesiastical Commission was but one of a family of Church boards, carried on by the same administration, and under a like system. The Bishops, besides the Ecclesiastical Commission, were also practically the managers of two other public boards — the Church Building Commission, and Queen Anne's Bounty—both established by Act of Parliament. The Church Building Commission was charged, like the Ecclesiastical Commission, with forming new districts, and contributing to the funds required. Its board consisted of forty-one members; but Mr. Jelf, the Secretary, told them that as they were mostly high functionaries engaged with other duties, the attendance was comparatively scanty, and the meetings rare. The business fell into the hands of the Bishops, and through them, as in the

Ecclesiastical Commission, it fell of course entirely into the hands of the secretary, who, according to what seemed the standing rule of these ecclesiastical boards, united in his own person the offices of secretary and treasurer. From July to October there were no meetings at all, and during that time the secretary was both nominally and really the whole Commission. Such being the system, he now came to the price they paid for it. There was an expensive establishment, consisting of a secretary with 700*l.* a year, surveyor, 700*l.*, chief clerk, 300*l.*, five other clerks with upwards of 1,000*l.* a year more, and the average law expenses were returned at 579*l.* a year, making a yearly expense in establishment and law expenses only of 3,239*l.*; and for what? for he now came to the strangest fact of all—what had this Commission to administer? In April, 1848, the secretary told the Ecclesiastical Commission Committee that the Parliamentary grants were exhausted all but 12,000*l.*, that the whole funds now applicable to grants for new churches were that 12,000*l.*, and a further sum of 19,600*l.* lent to parishes on the security of church rates; and yet to administer this small and all but exhausted fund, there was a board of forty-one dignitaries in Church and State—an establishment costing upwards of 3,000*l.* a year—the secretary's salary, and the surveyor's salary, and law expenses, each of them alone equalling the income of the Commission; and, strangest of all, the Commission instituted by Act of Parliament, expiring in 1848, it was renewed for five years more even in that same year in which all this evidence was adduced to show that its funds were exhausted, and it had nothing to do. He came next to the Board of Queen Anne's Bounty, which was more numerous still. The Ecclesiastical Commissioners were 49, the Church Building Commissioners 41; but the Governors of Queen Anne's were upwards of 400. But the Prelates again were practically the board, and the same system prevailed—only eight or nine meetings in the year, and always on Thursday, the same as the Ecclesiastical Commission. The same individual was of course secretary and treasurer, and he thus described the system:—

> "I control every thing: when there is sufficient business to render a board necessary, I tell the Archbishop, and he summons a board; but 'summons' are only sent to the bishops and the town-clerk of London."

The financial management was also of a piece with the other boards—every thing was at the mercy of the secretary; and if there were a system and an audit, he told them whom they have to thank for it. He said in his evidence—

> "I receive all the mortgages, and all the first-fruits and tenths; but as regards every farthing collected in my office, I send one of the clerks in a cab to pay it into Coutts'; so that I never have a shilling in my hands—it was a rule I made when I came in never to have any money in my hands."

Now, what a cutting rebuke was this to the carelessness of the bishops! They made no rule, but the secretary did; they took no care of church funds, but he had a conscience, though his employers, in this respect, had not; and he, for the sake of his character, made a rule which they did not think it worth while to establish. And he must here say, that in speaking of the power left to the secretaries of these two boards, he was far from reflecting on the manner in which they had used it; on the contrary, he thought it a matter of congratulation that the subordinates at those boards appeared to have a clearer perception of their duty than their superiors. The expenses of this office were also great: the secretary and treasurer was also receiver of first fruits, and was paid 1,350*l.* a year, the clerks had 2,270*l.*, law charges 700*l.*, and total annual expenses for salaries and law charges only 4,755*l.*; and the secretary says, speaking of one portion of the funds, "The fund for augmention of small livings is 14,000*l.* a year, but the expenses of management, with the expenses of accumulating capital, take nearly half away." Here, then, they might test the plea of economy which was brought in to defeat the recommendation of the Committee. Here were two other boards administering the same business as the Ecclesiastical Commission, and managed by the same Commissioners—two of them always, and all three sometimes, meeting on the same day—two out of the three had very little to do—they met eight or nine times in the year—never in the recess—with very expensive establishments, one swallowing up half the fund for augmenting small livings, and the cost of the other establishment very far exceeding its income. Might not these three boards be consolidated with a great increase of efficiency—a diminution of labour and a saving of expense? Would not one establishment instead of three, one set of law expenses, and all the business conducted under one roof, be a relief both to bishops and clergy, and a pecuniary saving of some thousands annually to the Church? And why was it not done? The advantage was too obvious to have escaped a board of commissioners intent on economising the Church funds. Yet they persisted in keeping up three large and expensive offices for work which might be done by one, at the very time when they claimed credit for motives of economy in refusing 1,000*l.* a year for the efficiency of the Ecclesiastical Commission. So far, then, as the plea of economy was concerned, they could not pay much attention to the argument put forward to justify a disregard for the recommendation of the Committee. The Bill professing to correct the defects of the Commission failed to do so.

But having shown how it fell short of what it professed to do, he would now show how much more it fell short of what it ought to do. And this brought him to the great and radical defect of the whole measure. He asked Gentlemen this question, he put it to them advisedly, and begged them not to be startled by its novelty: this board had to administer temporal affairs, and why should there be any ecclesiastics on it at all? Why were *ex officio* members—why were Cabinet Ministers, and Judges, and Prelates—to be present at its sittings any more than at the Board of Admiralty, or Customs, or Excise? He hoped some Gentleman would make a note of that question, and give an answer. The business, he repeated, was of a temporal nature, as much or more so than that of the Home Office; it legislated by orders in council—since its first formation it had published no less than 500. He held a volume in his hand—any Gentleman might consult them in the library—and he would find that there was not a single question entertained at that board which was not as much or more adapted to laymen than ecclesiastics. As to that board entertaining spiritual questions, the religious sentiment of the nation would rebel against it—the Church would not endure it for a moment. But nothing of the kind had been or was ever likely to be attempted. The board had confined itself, as it must confine itself, to temporal affairs only—to fiscal and territorial arrangements; and such being the case, he repeated the question, in what respect was the presence of ecclesiastics necessary or advantageous at its sittings? "Oh! but," he heard some one exclaim, "the Church ought to guard its own property." So said he; but what was the Church? Not the bishops, but the laity; they constituted its strength, its numbers, and its life; and when he saw the right hon. Gentleman and others members of that secular board, he saw the Church was as safe in the hands of devout laymen as of devout ecclesiastics. And against whom was it to be guarded? Not against the nation, for it existed as an establishment by the national will. The Church had indeed been plundered at different periods of their history; plundered by their monarchs first—by their nobles next—by their bishops in the last century, and in their own day by the Ecclesiastical Commissioners. But the people had been ever guiltless of sacrilege; and if a storm should rise even now, the safety of the Church would lie in the popular love and reverence, and not in the accident of a board of bishops, sitting as secular commissioners in Whitehall, and in their own person keeping guard over its title-deeds. Who ever heard of such an extraordinary substitute for all that should give strength and safety to a religious institution professing to reign in men's hearts? But again he heard it objected, "The clergy have interests peculiarly affected by the acts of the Commission, and they ought to be represented on it." But supposing they granted this, how, he asked, were the working clergy represented by twenty-seven Episcopal Commissioners? The bench of bishops was represented, and pretty handsomely it must be acknowledged; but who represented the parochial clergy? Not the bishops certainly; for very few of them ever were parochial clergy, or knew anything experimentally of their cares or duties. And was this a style of representation in which the parochial clergy had a voice? Did they not rather complain that, without attributing wrong motives, their Episcopal rulers, having the common weaknesses of human nature, were apt to think they had taken care of all classes when they had taken care of themselves. Let him take one example on which he happened to know that the parochial clergy felt most deeply. In the earlier days of the Church, the bishop's dwelling was in the cathedral city. There was his *cathedra* or throne set up; and there, surrounded by his clergy and people, did he live, the centre of the religious life around him. But the Ecclesiastical Commissioners, with a courage and a consistency in error at which they might feel astonished, had changed all that. Trampling on ecclesiastical usage, defying public opinion, they had deliberately acted on the principle that a bishop should not live in his cathedral city; that it was not good for him or for the Church to be daily exposed to the public eye, but they had metamorphosed him into a rural dignitary, exchanging the good old episcopal palace, hallowed by associations, not to be effaced by the lapse of ages, for a more modern and aristocratic retirement to which the clergy might penetrate with difficulty, and the poor not at all.

Now, if the parochial clergy had been truly represented at that board, some remonstrance would surely have been raised against this most unpastoral innovation. The bishops would surely have been reminded that they were repudiating their earliest and closest relation to the Church; that they were taxing unmercifully not only the labours and responsibilities, but also the pockets of the more indigent clergy; for it was no small aggravation of the loss both of time and money to one of them who had to seek counsel from his diocesan, that, arriving by railway at the cathedral city, he had still to hire a carriage to hunt the bishop in the country, making, perhaps, two or three bootless expeditions on some spiritual affair, which the bishop of other days would have courted rather than have escaped from. But he need not pursue this point further. It was obvious that the retention of bishops on the Commission could not be defended on the plea that the business was of a nature to require their presence; and still less could it be pretended that they sat as the representatives of the clergy. The clergy, in fact, had no interest separate from the Church, and the Church was the nation. These, however, were arguments directed against the policy and expediency of bishops constituting a secular commission. He came now to far more serious objections, founded on religious principle and the Church's constitution.

His objection to bishops remaining on the Commission was not based on the severe reflection of Lord Clarendon, that "clergymen understand the least, and take the worst view of human affairs of all men who can read and write," though he thought their experience of the Ecclesiastical Commission might go far to justify that doctrine; but he looked to the present condition of the Church and of the people, and he said the bishops ought not to give their time to the Commission, because they were wanted elsewhere. He appealed to what was now passing around and about them—to the tendency of the age—to the rapidity of the changes in which they lived—to the new wants and new dangers that were daily developing themselves about them. Ours was an age of very active speculation; Christianity was called to meet many enemies; it had to defend itself against the assaults of a very busy and a very cultivated intellect; and it had to revive and kindle faith in an age peculiarly unsusceptible of belief. Who were to be the captains of its hosts in this sacred and arduous mission? Must they not be men confessedly of a higher spiritual order, illuminated with brighter knowledge, the result of deeper study and more uninterrupted communion with holy things, and who, themselves engrossed by one intense and soul-absorbing principle, might impart to others some portion of the fire that consumed themselves. In an age so earnest and so inquiring as ours, would the toleration of bishops, as easy, good-natured, benevolent, and irreproachable gentlemen, meet the requirements or avert the perils of the time? Would the sight of men who, styling themselves "Fathers in God," were busily occupied with worldly cares, keenly vigilant about church moneys, stubbornly tenacious of church dignity and rank, rushing with intrepid haste to the rescue of any episcopal emolument invaded, inculcating in words the divine institution of episcopacy, but not emulating its acts—not visiting the sick—not consoling the dying—not preaching the word — not kindling the faith of the people — not exhibiting the example of men indifferent to this world's pomp and wealth, and living for another—nay, even as regarded those they had themselves ordained to the ministry, not associating themselves with the labours, nor cheering the sorrows or relieving the perplexities of the poorer clergy — he said, would the sight of such leaders of a Christian church be enough to sustain and save it—nay, must they not surely smite and sink it in times like these?

But how much more fearful was the danger if they alone could not discern the signs of their own times. See how the idea of a Christian bishop was now awoke in the community; it lived and stirred there—it felt the duties of a bishop, alas! more deeply than the bishop himself. The whole press—that infallible organ of opinion, and food of every class—the Government, the Parliament, the clergy, all united in bidding these spiritual fathers encumber themselves less with cares and engagements which trenched on their spirituality, and diminished their usefulness to the Church. Yet they chose to reply, "These temporalities are ours, for we are the Church, and we cannot entrust its property to you. Ours be the guardianship; and though the burden of that guardianship engross our time, to the very neglect of our spiritual calling, even then those temporalities shall be touched by no hand but ours." If such was practically the language of Christian prelates, what would their enemies wish more? In what light could they be exposed more odious to the people? And they and their friends might cry peace and safety to themselves if they were so willed, but it could not end thus. The nation would only think more earnestly what a bishop ought to be, and deplore more deeply what he was; the deafness which they opposed to these reasonable demands for so small a cession of purely worldly business would but teach men how vain it was to expect bishops thus placed to be what bishops ought to be; and slowly, but surely, with an earnestness, and for a purpose that could brook no evasion, would they ask this plain, practical question, "What, in truth, are our bishops, and for what do they exist among us?"

A right hon. Gentleman opposite, when he made a Motion lately about episcopal incomes, told the House that he had a very low idea of the episcopal office. He did not know on what authority he made that charge. He had said nothing in that House, or out of it, in the smallest degree disparaging to the office of a bishop. He had exposed the doings of the Ecclesiastical Commissioners; but he had yet to learn that the functions of an Ecclesiastical Commissioner were a part of the bishop's office. He had called attention to the large incomes of prelates; but he had yet to learn that the estates of the episcopate were a part of the office. He had complained, and he did complain most strongly, of episcopal obstructions to the best intentions of the Government in the House of Lords; but surely the functions of a Lord of Parliament were distinct from the bishop's spiritual office. These were all attacks, not on the episcopacy, but on tumors and excrescences which disfigured it. But, as the hon. Gentleman had challenged him, he could not hesitate to give his view of the episcopal office, that on which, as a Legislator, he was bound to act; and he did think that, before it passed a Bill like this, Parliament was bound to consider what the episcopal office was, and whether the duties they were now heaping on the bishops were in harmony with the original institution, and essential and distinctive character of the office.

The Church of which, with the great majority of this House, he was a member, taught them to venerate the office of bishop as one that had come down to them from Apostolic times; in her sight, its present holders were the heads of the Christian Church, the leaders of the Christian religion, the depositories of the fire, the faith, the fervour which animated men warring through this world to an eternity which it was their mission to preach. The history of those from whom the office had come down was familiar to them all—their images were painted in colours that could never fade—their ardent enthusiasm—their unshrinking self-sacrifice—their heroic endurance of every toil and every suffering—their utter forgetfulness of worldly interests, and worldly advancement, and worldly good of every kind, when compared with the infinite magnitude of those higher interests to which their whole souls owned devotion.

And such was the Church's idea of a Christian bishop. No other picture was drawn for him in Scripture, and no other was possible; and though, in looking back on the inspired founders of our faith, he did not expect our generation to reach the same stature, he did expect them to be made after the same similitude. A bishop, to be honoured among us, must be cast in the Scripture mould, or in none at all. Our people would not be satisfied with a lifeless mechanism—they must have something more vital and more real; and, while the highest, the greatest, the paramount function of all our ministers of religion consisted in keeping alive the sacred fire of Christianity, it was the bishops especially to whom, as fathers and examples of clergy and people, they had a right to look as the sources from whence supplies of active, living, intense faith should stream.

Such was his idea of the Episcopal office. Did the right hon. Gentleman still contemn it as too low? He (Mr. Horsman) said it was divine in its origin, and spiritual in its essence—that it was too high to be exalted by worldly pomp, and too holy to be profaned by mercenary occupations; and that the real strength and honour of an Episcopate lay not in the temporal dignities and emoluments which dazzled men's eyes, but in the holiness that inspired their reverence, and the charities that gained their hearts.

But, now, having given the House his notion of what a true bishop ought to be, he turned to this Bill, this Bishop's Bill, for an exemplification of all he ought not to be. He should not be a "server of tables"—he should not grasp at the administration of temporalities—he should not absent himself from his diocese for one half of the year to show his expertness on secular committees and commissions, nor bury himself for the other half in a country palace, unapproachable to all but aristocratic visitors. It was no part of his office to hold broad estates, from which, under a ruinous system of fines and leases, he had to extract present wealth for his family, to the future impoverishment of the Church. He was not necessarily a Peer of Parliament, nominated absolutely by the Minister of the day, under a strong temptation to postpone the interests of the Church to those of his Cabinet, and advance a political partisan in preference to a right bishop. And, lastly, it was no part of a bishop's office, when elected to political power, to use that power to the detriment of the Church he was sworn to serve; and when the spiritual destitution of the land, and the darkness of untaught millions was universally deplored—when Parliament and people, and parochial clergy, had all contributed to swell a national cry, and when the Minister attempted to give effect to that cry, he should not outrage the common sentiment of all, by shaking a majority of Episcopal votes in the Minister's face, and warning him that he and his Brethren held the passage of the House of Lords, and would suffer no Bill to pass in which the spiritual necessities of the Church were more cared for than the temporalities of the prelates. But some men, apologising for the state of things to which they were indebted for this bad Bill, reminded them that they were living under a church establishment; and in such a case they should be more indulgent to bishops, for an establishment involved a great amount of worldly business, and only worldly men could undertake it; or, what came to the same thing, that those who did undertake it were thereby made worldly. But, if this were true, would it not be the most fatal objection to a church establishment at all, that it could only exist by converting those who should be the vitalisers of the heart and conscience into State organs of ordinary worldly administration? But this was now the deep-dyed stain, as regarded the episcopate—the ruinous sin of the Church of England. She merged the higher functions in the lower; she stifled the light and spirit by the body; she killed the spiritual element by the inordinate development of the secular; she sacrificed faith and religion to a worldly institution—to a political and aristocratic conventionality. And look at the result. Turn to the 13th clause of this Bill; he there brought the bishops into court against themselves, and proved the present degradation of the episcopal office from their own evidence, and their own acts. They knew that the funds of the Ecclesiastical Commissioners were derived from two sources — partly from the surplus of Episcopal incomes, and partly from capitular and other sources. But the Commissioners, instead of making them one church fund, formed two distinct and separate funds — one for the supply exclusively of episcopal wants, and the other for the general wants of the Church. This distinction of interests between the bishops and the Church—this new and false line of separation, creating two sympathies in the Church, was no sooner known than it was generally disapproved of, and having met with a very unanimous condemnation in that House, the Government very properly proposed the fusion of the funds. But the Prelates mustered strong in the Upper House and threw out the clause, substituting this one for it. And on what grounds? for now they had, on their own showing, the result of their past secular activity. They told their own story, and it was this—that the country no longer cared for bishops; that they were neither loved nor honoured as they used to be; that their usefulnes was so little felt, and their office so little reverenced, that the popular cry was all for more clergy, and against more bishops; and, therefore, when an enlargement of the episcopate might be needed, as the bishops had neither spiritual influence nor popular affection to rely on, they must bring in their power as legislators, to correct their unpopularity as prelates, and by raising a distinction between themselves and their clergy, unknown to the constitution of the Church, and abhorrent to its spirit, must secure to themselves a larger portion of the Church's funds than the feeling of the country would be disposed to sanction. He asked, was there ever such a confession of weakness—such an utter despair of their own future on the part of men avowing that they had utterly failed in realising the ends of their institution, by securing the love and confidence of the people? And then they complained that episcopacy, as an institution, was not valued among them. But he would not, at that late hour, pursue the subject further. He regretted much that the subject had been brought on so late as to preclude a full discussion; and he would conclude by entering his protest against the proposed constitution of the Commission, and especially against the retention of Bishops upon it, and on that point he should take the sense of the House by moving an Amendment in Committee.

Mr. GOULBURN said, that the hon. Gentleman who had just sat down had addressed himself but in a slight degree to the present measure, whilst he had enlarged on other topics in a laboured speech, which had all the marks of great preparation. He trusted, then, that the House would excuse him from following the hon. Gentleman at that hour of the night into all the observations he had made, especially so as the hon. Gentleman had no objection to the second reading of the Bill. The hon. Gentleman upon this, as upon other occasions, had indulged in vituperation upon the characters of those who were absent. In doing so there was as much want of fairness as of justice, and he might have recollected when he was attacking the character of all bishops, that he was speaking in the diocese of one who had laboured long, laboriously, and diligently in enlarging the field of Christian instruction, and in opening churches for the poor. Now, the first misrepresentation of which he complained in the speech of the hon. Gentleman, was upon a matter of fact, well known to most who heard him. The hon. Gentleman said that the bishops cared for nothing but their own emoluments, or those of their order; and he said this while discussing the Ecclesiastical Commission, by which they had voluntarily divested themselves of one-third or one-fourth of the incomes they enjoyed, for the enlargement of the episcopacy where deficient, and for the better instruction of the people. But then the hon. Gentleman said that he had great respect for the characters of the bishops, and he showed it by proposing to divest them of their seats in Parliament, to rob them of their incomes, and to deprive them of their authority. The hon. Gentleman constrasted bishops of former ages with those of the present day. But he should have remembered that bishops were now differently situated from the time in which a bishop placed in every town had his diocese com- under his control, and was not, as bishops were now, with one or two millions of persons under their charge. The hon. hon. Gentleman said he admired bishops; and yet when the proposition was made for having a bishop in Manchester, no one opposed it more strongly than the hon. Gentleman. The hon. Gentleman seemed to consider that it was better to increase the number of the inferior clergy than to appoint a new bishop. Now, facts were at variance with this theory. He would state them with regard to the Bishop of Ripon. He was appointed in 1836 with an income of 4,500*l.* a year; a residence was built for him, which cost about 13,000*l.* He would add on account of that to the bishop's income 1,000*l.* a year, which would make 5,500*l.* a year. The hon. Gentleman would apply that sum in increasing the number of the lower clergy. Well, suppose they allotted to each incumbent 100*l.* a year, fifty-five incumbents were all that would be gained. Now mark the other side of the picture, and see what was the effect of the appointment of a bishop in that diocese. Since the appointment of the bishop, by his exertions, by his attending various meetings in the diocese, by his constantly preaching in different churches, by his pointing out the requirements of Christian duty, and the defects of Christian practice, he had given rise to an extent of exertion in behalf of spiritual instruction in that part of the country that was astonishing to contemplate. Since he had been appointed, 100 churches had been either built or rebuilt within the diocese out of the funds which had been collected mainly by his example and encouragement. In the same period, and out of funds similarly acquired, assisted by grants from the Commissioners, there were now 130 clergymen, instead of fifty-five administering to all orders of the people the great truths of the Christian religion. In the same period, also, 182 schools had been created; and in that diocese, under the bishop's superintendence, education, which before lagged behind the growth of the population, had now overtaken it. In addition to this, fifty-five new parsonages had been built. Looking at these results, he thought that those who really desired the advancement of Christianity, and were of opinion that the people ought to be spiritualised as well as instructed, would not hesitate to say that, if they had only a limited fund before them, the appointment of a bishop might be the best and surest mode of effecting their object. He came next to the question, were these bishops disproportionately paid? Were they paid out of proportion to the duties they were called upon to perform? The hon. Gentleman had entered into this question on a preceding evening at great length, when it was not competent for any man, from the difficulty of obtaining information, to meet him with denial or explanation. He (Mr. Goulburn) would not enter into a comparison such as the hon. Gentleman instituted between the emoluments of the professors of law, the emoluments of the officers of State, and the emoluments of the officers of the Church. There was no similarity between them. The emoluments of the one were derived from property which was exclusively devoted by the piety of our ancestors to Church purposes, and could not be diverted therefrom; those of the others were derived from the taxes raised upon the community, which might be otherwise applied, and, therefore, stood upon a different footing. He did not, however, fear comparison, and would take the profession of the law. He believed there were about 3,000 barristers and twenty-one Judges—the salaries of the Judges amounting to about 138,000*l.* a year. On the other hand the clergy numbered 16,000, and there were twenty-one bishops, whose incomes were 140,000*l.* a year. How did the matter stand? Why, that in the one profession the prizes were as one to 150, and in the other as one to 600. The hon. Gentleman had thought fit, with a view to show the enormous wealth of the bishops, to go to the Prerogative Office, and there to ascertain, by inspection into the affairs of individual families, what were the sums which, at their deaths, the bishops had left to their descendants. Now, it was a painful thing to be obliged to examine into the private affairs of families, even though it were for the purpose of meeting a general and an unworthy imputation. Yet the hon. Gentleman had imposed that task upon him (Mr. Goulburn), and he had been obliged to make inquiries which, for the gratification of private curiosity, it would have been disgraceful to institute, and which he had made only with the view of testing the accuracy of the grounds upon which the hon. Gentleman had impugned the character of the bishops. The hon. Gentleman said, that, since 1828, twenty-six bishops had died, and had left property for which probates had been issued to the amount of 1,500,000*l.*; and he thought it fair, from the magnitude of that sum, to create an impression that their lives had been lives of avarice and accumulation. Now (proceeded Mr. Goulburn), what is the fact? And, in asking this, I accuse the hon. Gentleman of having made a statement which he must have known was calculated to create an unjust prejudice against parties in the opinion of this House. He has been a Lord of the Treasury. He knows full well how the stamp duty is collected, and upon what principle the probate duty is levied. I presume that he made himself master of the business of the Treasury; because, if report speaks truly, the hon. Gentleman felt himself entitled to a higher situation; and I know enough of him to be aware that he would never have aspired higher if he had not thought himself competent to discharge the duties of the Treasury. At all events, the hon. Gentleman, as a Lord of the Treasury, ought to have known what was the law in relation to stamps. The probate duty, like other stamp duties, was not levied upon precise sums, but upon sums which ranged between two points; that was to say, if the sum left were but 1*s.* above 20,000*l.*, the duty paid would be the same as if it were 30,000*l.* It was undoubtedly true, that, taking in every instance the highest sum, the hon. Gentleman's account of the probate duty would be tolerably correct; because by so taking it the property would amount to somewhat more than 1,400,000*l.* But why did he select the highest sum in preference to the lowest? If he had taken the lowest, he would have found that it would be 200,000*l.* less than what he had stated; but even taking the medium for the sake of fairness, the sum would be 100,000*l.* short of the hon. Gentleman's statement. The hon. Gentleman having been a Lord of the Treasury, ought to have known also that the probate duty afforded no proof whatever of the actual amount of property left. It was levied, in the first instance, upon all the property that the person was possessed of at the moment of his decease; no allowance was made for debts and incumbrances; and it was only by ascertaining the return of duty which was afterwards made, that an account could be obtained of the value of the property of which the party died possessed. Now, it so happened that at the Stamp Office they would not give any information with regard to this subject, or allow to curious men the opportunity of prying into other people's affairs. He had been obliged, therefore, to resort to other sources of information. From them he had ascertained the difference between the probate duty first charged and that ultimately paid. The hon. Gentleman said, that in twenty-six instances the amount left by bishops averaged 50,000*l.* a piece; but he (Mr. Goulburn) found that in eighteen of these, which alone he had had the means of investigating, the average was only from 30,000*l.* to 40,000*l.*, thus making a difference at once of 500,000*l.* out of the 1,500,000*l.* which was stated to have been left by these twenty-six prelates. But of what did the sums left by them in a great degree consist? Why, of sums for which their lives had been insured. In pursuing his inquiries with regard to these insurances, he had encountered some difficulties at the insurance offices, and in consequence had been able to procure information only in fourteen instances as to the sums for which these several bishops had insured their lives. He found, that they had insured them, not only when they were in possession of large emoluments, but at periods when they were struggling in life with moderate incomes, and justly endeavoured to secure for their posterity those means of subsistence which it was the duty of every man, whether lay or ecclesiastical, to provide. Why, those fourteen prelates were insured in the offices which he had recourse to for no less a sum than 122,000*l.*, or upon an average 8,700*l.* on the life of each. If they had not done this, but had left their families destitute, and without having made provision for those who came after them, would not the hon. Gentleman have been the very first to exclaim against their want of natural affection? And he (Mr. Goulburn) confessed that he should have had much more difficulty in defending them against such a charge, than he experienced now in defending them against the charge of having made out, of a precarious life income, provision for their families. When the hon. Gentleman calculated the amount which these bishops had left upon their decease, he ought also to have noticed the fact that one of them had a private fortune left him of 10,000*l.* a year, and that the sum which, upon that private fortune was paid in probate duty, ought, in justice, to have been deducted. He asked the House, then, was the accusation of the hon. Gentleman fair and just? Was he entitled to make it unless he had first inquired into all the circumstances of the case, if he did not know them; and if he did know them, what was his justification in making the charge? He must have known that he had exaggerated in the one case—he might have known that he was exaggerating in the other. The real state of the case then was, that twenty-six bishops who had toiled through all the different stages of their profession as curates and incumbents, had succeeded in leaving at their deaths a sum averaging to produce 1,200*l.* a year to their descendants. Surely this was no extravagant reward for a life of labour and responsibility. But the hon. Gentleman would ask how these incomes were disposed of. He would refer him for an answer to the list of contributions to the various religious and charitable institutions of the country. The hon. Member for Cockermouth would find that the largest subscriptions to the societies for the propagation of gospel truth either at home or abroad, for the general education of the people, for the improvement of their condition, or for the relief of suffering in hospitals, were contributed by the bishops. It was true that while they were discharging these duties in their dioceses, they could not be attending to the Ecclesiastical Commission. It was impossible that, when discharging their spiritual duties, they could be at the same time minding those other duties which were imposed upon them in common with others. With respect to the Bill itself, he should reserve his comments until they went into Committee upon it. If he had succeeded in developing some of the errors the hon. Gentleman had fallen into on this subject, he should not have addressed the House in vain, nor have failed in the object which he had in view.

Mr. J. E. DENISON thanked the noble Lord for introducing this Bill, considering that it was founded on the unanimous report of a Committee, of which the hon. Gentleman was a Member, who described this as a very bad Bill. So to characterise it, was an undeserved censure on the Committee, the House, and the Government. The words of the Committee were, that the business of the Commission, which was purely of an ecclesiastical character, should be separated from the management of the property. If the Committee had intended that those who managed the property should refer all matters dealt with by them to the Ecclesiastical Commission, they would have worded their recommendation in a different manner. The whole value of the Bill would depend on the manner in which the Committee was constituted, and in his opinion the ultimate decision in all those questions should remain in the large body, who should be responsible. The difference between him and his hon. Friend was, as to whether the paid Commission which was to have the management of the property was to be an executive committee, or a body merely having the power of making recommendations for the Commission to act upon as they pleased. He considered that if this last should be the decision of the House, the object of appointing such a Committee would be lost, and there would be no responsibility.

Lord J. RUSSELL believed there had been no objection made to the second reading of the Bill, and that the objections which had been stated were merely matters for consideration in Committee. His hon. Friend the Member for Malton had said that the Government had mistaken the object which the Select Committee had in view; but he (Lord J. Russell) owned he could not read the words otherwise than his right hon. Friend who moved the second reading. He could not conceive that the Select Committee meant that this Committee should have an entire and separate authority, when they referred to them as a Committee of the Board, and required that certain of these paid Commissioners should be present at the meeting of the board, thereby implying that the Committee was a part of the board. With respect to the main object, he conceived that the Bill would effectually accomplish it, because, in fact, this being a small Committee, having the questions as to the management of estates continually before them, in 99 cases out of 100 their opinion would sway the board, who would take the report of the Committee as conclusive upon the subject. If there came some great question of principle, then the report said the whole board was to be consulted. The hon. Member for Cockermouth, who objected so very much to the framing of this Bill, founded all his objections upon a point not at all of the gravity and importance he imagined. He supposed they were desirous of retaining all the power to themselves, and availed themselves of that mode of effecting their object. But the objections he (Lord J. Russell) had heard were simply these—they said there was no business for more than one paid Commissioner; but that if the Government thought fit to have two paid Commissioners, they would not object to it, though there really was no occasion for them. That was the very small practical point to which they brought their objections; and he thought, therefore, that the hon. Member for Cockermouth was not entitled to found on it so large and immense a superstructure of argument and legislation. When they went into Committee, the House might consider whether they would have two paid Commissioners or three, or whether the business would take up the time of two paid Commissioners, or if two paid Commissioners and a third unpaid Commissioner, to be appointed by the Government, would be best. That was not, as he conceived, a point at all vital to the Bill; and the Archbishop of Canterbury, he was sure, never thought such a consequence was to be deduced from his observations. There had been no substantial objections to the second reading of the Bill; but all the different hints brought forward might be very fairly discussed in Committee. He certainly was not surprised at the character the hon. Member for Cockermouth gave the bishops. He would not enter at large into the hon. Member's speech, but would merely say that, so long as he had known the right rev. Bench, and from what he knew of their general character, he believed the bishops were pious, learned, courteous, and hospitable. He believed that was their character generally in the country. He lamented that when the Bill of 1840 was sent to the House of Lords the bishops thought it necessary, contrary to the opinion of the then Archbishop of Canterbury, to make the Commission so numerous, thereby diminishing the efficiency of that body.

Mr. B. OSBORNE said, he did not rise to make any remarks on the efficiency of the plan of the noble Lord, or on the merits of the Bill. He knew well that in the present state of the Church, it must be a sort of "pull bishop—pull curate" affair; and between both bodies the noble Lord must be much troubled to produce a Bill at once satisfactory to himself and to the bishops. He looked on the Bill as a sort of compromise. What he rose for was to call attention to the most extraordinary language used towards the hon. Member for Cockermouth. They had heard the sneer which had been thrown out from the opposite side of the House about "the laboured eloquence" of his hon. Friend. Now, he (Mr. Osborne) had listened to the labour, but had heard very little eloquence in the speech of the right hon. Gentleman the Member for the University of Cambridge, who had taken four weeks to concoct it, in answer to a speech delivered by his hon. Friend. He had to congratulate the right hon. Gentleman on his labour rather than on his eloquence, for a speech more tainted with vituperation, and less pregnant with argument, he had never heard. The right hon. Gentleman laid it down that the House of Commons had nothing to do with the Church. It was with delight he had heard the noble Lord lay down the contrary doctrine. It might be very well for an ecclesiastical Member to make such a speech to the Commissioners who were sitting under the gallery, winking his eye at them all the time, as much as to say, "See what a speech I am making for you;" but as to laying down such doctrines now, he would say to the right hon. Gentleman, "Tell that to the Marines—the sailors won't believe you." With a tissue of misrepresentation which could only proceed from an ecclesiastical Member, the right hon. Gentleman said, "Look what these good men, the bishops, have done—see how they have given up their incomes during their own lives." Now, what was the real state of things? The right hon. Gentleman knew well the bishops had taxed their successors, not themselves. There was the Bishop of London with his 50,000*l*. a year, and his princely palace at Fulham—the right hon. Gentleman knew well he had not given up sixpence of his income, but had given up a portion of it in future to tax his successors. He certainly was surprised to hear one who had been a Minister throw out such a lowbred taunt against the hon. Member for Cockermouth. The right hon. Gentleman said, "You are a disappointed man—you expected to be a Cabinet Minister." He did not think that came with a very good grace from one who had been tied like a tin-kettle to the tail of the right hon. Member for Tamworth; so that in the several changes of the right hon. Baronet, as he ran from one side of the House to the other, they always heard the tin-kettle rattling behind him. The man who had voted against Catholic Emancipation one day, and voted for it the next, who had voted against free trade to-day, and voted for it to-morrow, turned round to his (Mr. Osborne's) hon. Friend the Member for Cockermouth, and because he had succeeded in taking a stand in the country where the right hon. Gentleman had not succeeded in getting a footing, said, "You are a disappointed man, because you are not a Cabinet Minister." He (Mr. Osborne) could not sit in his place and hear a taunt so low—so unworthy the representative of the University of Cambridge, without entering his protest against it. In the name of a numerous constituency he took the liberty of tendering his thanks to the hon. Member for Cockermouth, for sure he was, when the right hon. Gentleman the Member for the University of Cambridge told them the bishops were for education, but only for religious education, that but for the efforts of laymen such as Wilberforce they never would have been for any education at all, and never would have carried anything either good or great. He hoped the hon. Member for Cockermouth would not be deterred by the taunts of any ecclesiastical Member from pursuing the course on which he had entered.

Sir R. H. INGLIS: Sir, the hon. and gallant Member for Middlesex has fulfilled the promise of his opening speech. He declared he could not speak on the merits of the Bill, and that promise at least he has fulfilled, for not one word has fallen from him either as to its principle or as to its details. But the hon. and gallant Member has said that a right hon. Member of this House has used "low language." I appeal to you, Sir, if you have ever heard such language used to any other hon. Member as has been recently addressed to the right hon. Member for the University of Cambridge by the hon. and gallant Member for Middlesex, addressed by him to one his equal in everything—his superior in station—in talent—in temper—in eloquence. He would no longer notice anything that had fallen from the hon. and gallant Member, but should proceed to state what appeared to him to be a fundamental error in the views of the hon. Member for Cockermouth on that and on every other occasion when he introduced the subject of the ecclesiastical system of England to their notice. The hon. Gentleman implied that he, forsooth, was doling out certain salaries and wages to the hierarchy of England; that they were merely stipendiary servants, and that he was to allow them so much as he thought fit to dole out to them. He talked of augmenting the salaries of deans, as provided for by one of the clauses of the Bill, whereas, in point of fact, all that would be done, if the wishes of the friends of increased incomes were carried out, would be only to plunder somewhat less the functionaries who were the objects of the clause. Did one shilling go to the Dean of Salisbury or of Wells from any tax of the people? All the Act would do was to leave them a little more of their own. He told the hon. Member that older far than any of our nobility was the property of the Bishop of London within five miles of the House. That property had since 691, clearly above 1,100 years, been in the possession of the Church for perhaps 1,200 years; and, with the exception of the great rebellion, has been uninterruptedly in the possession of the see of London. [An Hon. Member: Since the days of the Reformation.] I am told by an hon. Member who has, I take it for granted, sworn to maintain the property of the Church, that these possessions have only belonged to the see of London since the days of the Reformation. I tell him they have belonged to the see of London since the year 691. I don't know if he has the unhappiness to disagree with the Bishop of London in the views he takes of religion. ["Oh, oh!"] I am not to be put down by cries of "Oh" from those who would never have been admitted into this House but for the too easy credulity of some of my right hon. Friends. The hon. Member for Cockermouth appears, when a bishop is in question, to be uniformly in the situation of those unhappy men to whom the sight of water is an evil, producing struggles and convulsions. Nothing will relieve him from his paroxysm but the removal of the object of his dislike. [Mr. Horsman made a remark which was inaudible.] I have received so habitually the indulgence of the House when I address them that I should be the last to complain of interruption; but I own it is more than usually difficult to go on, when sounds, exclamations, and addresses to myself, proceed from the hon. Gentleman behind me. [Mr. Horsman bowed apologetically.] There was one expression used by the hon. Member, to the effect that the commission was universally condemned. [*Cheers.*] I am unable to identify the persons from whom those cheers proceeded, but I am happy to distinguish that they proceed from three persons only. Now, whether they are the voices of the three tailors of Tooley-street, who represented the universal people of England, I know not, but certainly those expressions have not been sanctioned by more than three Members of the House. I am not called on to defend the commission. I do not belong to it; and I have deprecated its creation and constitution; but I must say that if the bishops are not stipendiaries, but proprietors, I see no reason why they should not be permitted to sit at a board professing to administer their affairs. If, indeed, they are to be considered as stipendiaries, I can better understand why a Government commission of three paid commissioners should be trusted with the administration of the estates, as well as with the distribution of their proceeds. But the bishops have been proprietors from the beginning; and if the hon. Member said that the management of property was inconsistent with the Christian character of a bishop, was it not equally inconsistent with the Christian character of a clergyman or layman? It would be sufficient if men, both lay and clerical, carried on the management of their property with a deep sense of the responsibility attaching to wealth. It was not necessary that either laymen or spiritual persons should divest themselves of their property for the purpose of placing it in the hands and under the care of the hon. Member for Cockermouth, or those whom his friends would associate with him in its management. If I do now consent to the second reading of the Bill, I hope it will not be understood as in any degree pledging myself to all the details of the measure, or to any of the alterations which have been shadowed forth.

Sir B. HALL then moved that the debate be adjourned.

Mr. S. HERBERT hoped, that the debate would not be adjourned. If there were no other reason why the discussion should not be extended to another night, he could find a reason in the tone in which it had been carried on up to the present time. In that House he never could help looking forward to the discussion of Church questions with a feeling of dread. He had always been an advocate for removing religious disabilities from all classes of his fellow Christians in this country, and in return he trusted it was not too much to ask for the Church, that hon. Members, those who differed from her creed, would—inasmuch as the House of Commons was a trustee for the Church—not carry their hostility into legislation, but would give a fair consideration to every measure calculated to render that Church capable of giving the utmost effect to the purposes for which it was established. Although on the one hand he dissented from those who thought that the Church held its property by titles similar to those by which the property of individuals is held, yet he equally differed from those who maintained that the incomes of the dignitaries and parochial clergy of England were held as if they were so many annual payments voted by Parliament. The House of Commons had jurisdiction as the trustees of the Church, bound to see that the revenues of that Church were duly administered. With respect to this question before them tonight, he had no desire to go into the questions raised by the hon. Members opposite, for most of them constituted more matters of detail than of principle. He was sorry, however, that the Bill had not been somewhat more developed; for he thought it extremely inexpedient to touch Church subjects at all without setting them completely at rest. The questions relating to the creations of bishoprics, the salaries and emoluments of deans, the salaries and emoluments of canons, the whole question of Church revenues, the question of the common fund and of the episcopal fund, were matters in the discussion of which he should not then engage; but in Committee he intended to propose several Amendments into which he should have then wished to enter so far, at least, as to have given a general description of their purport, and the reasons that induced him to submit them to the House; but at that hour he would attempt to do so very briefly. As to the question of chapters, he thought that with such a measure before them the House must adjudicate upon something besides their salaries; and he felt considerable surprise that the Government should have left the subject of the duties of deans and canons untouched. Now, one of the propositions which he intended to make when they got into Committee, would go somewhat beyond that announced to them by the noble Lord. Instead of merely limiting deans, as the Government proposed, to a distance of three miles from the cathedral church to which they were attached, on undertaking a cure of souls, he should restrict them to the town in which their cathedral was situate. Then, he should propose that there should be a rearrangement respecting deans and canons undertaking certain duties—duties which might at present be executed by any one of them, and which, therefore, were executed by none—he should propose that all duties necessary to be performed by canons be assigned specifically to individual members of each chapter, but especially he would restrict them from holding in plurality the cure of souls. He trusted very speedily to be able to lay those Amendments on the table of the House. But, though he did not intend to occupy more of their time in stating those Amendments, he was unwilling to sit down without reminding the House that, as at the present moment a great struggle was going on for the promotion of education, it appeared little short of an act of insanity to take any step having a tendency to sacrifice establishments of which they would soon feel the want. Those establishments contained many men of great learning and attainments; and he trusted that the Government would in the future progress of this measure consider the subject in a spirit conducive to the good of the Church.

Sir B. HALL had listened with great interest to the observations made by the right hon. Gentleman who had just sat down; with much interest also to the statement made of the Amendments that he proposed to make; and if he (Sir B. Hall) had been previously anxious for an adjournment of the debate, he was now still more desirous of it; he should therefore persist in his Motion.

Motion made and Question proposed, "That the debate be now adjourned."

Lord J. RUSSELL said, if the House agreed to the Motion of adjournment, he feared that the further discussion of the measure must be postponed for a considerable time, inasmuch as there were several Bills before them which it was extremely desirable should be sent to the House of Lords with the least possible delay.

Mr. P. WOOD regretted the tone in which the debate had been carried on, a course into which they had been misled by the character of those observations that they had heard from the right hon. Member for Cambridge University. The speech of the hon. Member for Cockermouth was conceived in a spirit favourable to the true interests of the Church, and he regretted that the right hon. Gentleman had repeated so much idle and careless gossip, to which he should not have condescended to give any weight. He was now hopeless of seeing the debate take a favourable turn, at least for that evening; but he, for one, was anxious that the further consideration of the Bill should not be postponed. He thought it highly desirable that the management of ecclesiastical estates should be separated from the other functions of the commission — that secular and spiritual affairs should be kept apart.

MR. COCKBURN said, he understood the noble Lord to mean, that by postponing the second reading they were endangering the Bill for this Session, and in that case he trusted the hon. Baronet would not persist in his Amendment unless his object were to oppose the second reading of the Bill.

MR. HORSMAN rose to induce the hon. Member for Marylebone to withdraw his Motion of adjournment. He trusted that if the House should assent to the second reading on the present occasion, the noble Lord at the head of the Government would fix the Committee on the Bill so that it might come on at an early hour in the evening. There was one allusion made by the right hon. Gentleman the Member for the University of Cambridge, which he could not suffer to pass unnoticed. Considering the right hon. Gentleman's long practice and experience in the House, what fell from him carried more weight with it than its importance probably deserved. He would accordingly put it to the right hon. Gentleman, as a gentleman and a man of honour, to state what office it was for which he (Mr. Horsman) was a candidate, and also to state his authority for the insinuation he had thrown out. A Gentleman who had been in that House so long, who had held office, and who occupied so high a position, ought not to adopt idle and careless gossip, as it had been called by his hon. and learned Friend, or throw out imputations, without being pretty well assured that they possessed some foundation. He now called upon the right hon. Gentleman to state his authority for making such a statement. He thought it due to himself (Mr. Horsman), and due to the House, that the right hon. Gentleman should give such an explanation, because the same thing might happen to any one in the House, who, having ever held office, had afterwards adopted an independent line of action. He would not venture to bandy accusations with the right hon. Gentleman —he would not contrast his conduct on the Opposition side of the House with what it had been on that (the Ministerial) side. The right hon. Gentleman was the champion of the Church, and he would not therefore remind him that at his last election he was only saved from defeat by the magnanimity of his opponents. No man's career was, indeed, more open to remark than that of the right hon. Gentleman. He respected the hon. Member for the University of Oxford, because he knew how honest and how pure were that hon. Baronet's motives. He was as firm as the Church he defended; but the right hon. Gentleman the Member for the University of Cambridge was like the weathercock on the steeple. The right hon. Gentleman had followed the promptings of a party— he had followed the dictation of a leader— but he had never been chargeable with having followed his convictions since he had had a seat in that House. He would not say that the right hon. Gentleman had served his country, but at least he had earned his pension. He would, in conclusion, remind him of the advice which Junius gave to Sir W. Draper:—

> "Either regulate your future conduct so as to be able to set the most malicious inquiries at defiance, or, if that be a lost hope, at least have prudence enough not to attract the public attention to a character which will only pass without censure when it passes without observation."

LORD J. RUSSELL was ready to say that he would place the Committee on the Bill first upon the Orders of the Day when it again came before the House. Perhaps the House would allow him to state that he had heard with much pain a great portion of the discussion which had taken place that night. With respect to the hon. Member for Cockermouth, as far as his knowledge of the hon. Gentleman went, first as a Member of the Government, and afterwards as an independent Member, he never had the remotest suspicion with regard to his conduct that the hon. Gentleman was taking any other line than that which his duty prompted. But with regard also to the right hon. Gentleman the Member for the University of Cambridge, he believed that nothing had justified any imputation upon the integrity of the right hon. Gentleman. He (Lord J. Russell) had sat with the right hon. Gentleman a long time in that House, and, having seen the course he had pursued, he had always considered him as one of those Members whose integrity and public character no one could impeach. He regretted these imputations on one side and the other, and he believed that they were unfounded on both sides.

Mr. GOULBURN was ready to admit that he did allude to a rumour—a very foolish one, as it appeared—in connexion with the hon. Member for Cockermouth. He believed he said that, as Lord of the Treasury, the hon. Member must have had cognisance of many things, and, as rumour said he had looked to a higher appointment in the present Ministry, he had given the hon. Gentleman credit for having deserved such a post by his former conduct in office. If that allusion had given the hon. Gentleman pain, he (Mr. Goulburn) was ready to retract it. He admitted that he spoke under feelings of considerable vexation, owing to the series of attacks which the hon. Member had made on the Church of which he (Mr. Goulburn) was a member. Having been a Member of that House for so many years, and after what had been said by the noble Lord at the head of the Government, he did not consider it necessary that he should defend his character, either in that House or elsewhere.

Motion, by leave, withdrawn.

Main Question put, and agreed to.

Bill read 2°, and committed for Friday 10th May.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, April 30, 1850.

Minutes.] Public Bills.—1ª Salmon Fisheries (Scotland).
2ª West India Appeals.
3ª Alterations in Pleadings.

PUBLIC WORKS (IRELAND).

The Marquess of WESTMEATH moved for—

"Copies of all Communications made in and since the month of February, 1849, to the Board of Works in Ireland, or to the Irish Government, by the Marquess of Westmeath, Sir Montague Chapman, or any other Landed Proprietors in the Barony of Delvin and county of Westmeath, relative to the Public Works carried on in that Locality under what is termed Mr. Labouchere's Letter; and the Replies thereto, as well as all Enclosures accompanying the same."

The noble Marquess went into minute local details, with a view of showing that the persons employed had not done their duty—that the landed proprietors in the barony of Delvin had not been fairly treated by the Irish Government—and contended that the repayment of the loans which had been made to them should be extended over a period of forty years, and that they had a fair and just claim for the favour of the Government.

The Marquess of LANSDOWNE repelled the charge that the Government had dealt unfairly with these proprietors, and reminded the noble Mover of a fact he seemed to have forgotten; namely, that the money borrowed for the public works and improvements had been granted on the stipulation that it should be repaid in ten years; but that last year that term had been extended to twenty-two years. He had no objection to lay on the table a copy of the correspondence alluded to by the noble Marquess; but he could not hold out any hope that the time for the repayment of advances made to individuals would be extended beyond the period at present fixed. It would be impossible to comply with his request, to give the applications of parties for advances, as they were most voluminous; and if they were given they would be of no advantage as regarded furnishing information. The letters of Mr. Griffith and other parties would explain the whole circumstances of the case.

On Question, agreed to.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 30, 1850.

Minutes.] *Reported.*—Elections (Ireland); Defects in Leases Act Amendment.

OATHS OF MEMBERS.

Mr. P. WOOD: I rise to put a question to the noble Lord at the head of the Government, arising out of the report of the Select Committee upon the oaths of Members. That report simply states the different Acts of Parliament relating to the question referred to them, the determinations of this House, and of the courts of law upon that question. It expresses no opinion upon the subject; and no doubt the precise legal effect of those determinations may be matters upon which there may be a good deal of difference of opinion. But I wish to ask the noble Lord whether it is the intention of Her Majesty's Government to propose any measure, during the present Session, with reference to the oaths now administered to Members on taking their seats in this House?

Lord J. RUSSELL: In answer to the question of the hon. and learned Gentleman, I have to say that it is the intention of Her Majesty's Government to introduce such a measure during the present Session of Parliament. I hope the state of public business will permit of my doing so at an early opportunity, and I will state the particular nature of the measure before introducing it.

BOARD OF TRADE RETURNS.

Mr. NEWDEGATE said, according to the Trade and Navigation Account No. 59, ordered to be printed on the 15th of February, 1850, there appeared as entered for home consumption during the twelve months of the year 1849—

Wheat	4,509,626 qrs.
Wheat flour, reduced to	1,123,491 „
	5,633,117 „

During the month of January, 1849, the duty (being at the rate of 10*s.* per quarter) received upon wheat and wheat flour amounted to 49,639*l.*, which represented an entry for home consumption of 99,278 quarters. Now if these 99,278 quarters were deducted from the total entries for the year 1849 (5,633,117 quarters), there remained 5,533,839 quarters, which paid a duty of only 1*s.* per quarter, amounting to 276,692*l.*; add to this amount the duty received in January, 1849, 49,639*l.*; total duty received in the year 1849, 326,331*l.*; while the amount of duty stated as having been actually received upon wheat and wheat flour in the return No. 146, September, 1850, amounted only to 300,747*l*,, leaving a deficiency of 25,584*l.*, which at the rate of 1*s.* per quarter represented an unaccounted for entry for home consumption of 511,680 quarters. Again, the quantity of wheat and flour entered for home consumption according to the Trade and Navigation Account No. 102, September, 1849, was in January, 1849, 914,793 quarters, which at the then existing rate of duty (10*s.* per quarter) must have produced a revenue of 457,397*l.*, a sum exceeding by 156,650*l.* the whole amount of duty stated as having been received during the whole year 1849 in the return No. 146 of Session 1850. Could the right hon. Gentleman the President of the Board of Trade afford any explanation of these inconsistencies?

Mr. LABOUCHERE said, the hon. Gentleman having given him notice of the question, he had communicated with the Board of Customs on the subject, and he had been furnished with a detailed statement which, he thought, would remove from the mind of the hon. Member his impression that there were discrepancies in the returns to which he referred. The statement was too long to trouble the House with, but he would hand it to the hon. Gentleman. There was one point, however, which he would explain to the House, as that upon which the whole point, he believed, turned, and which would, therefore, operate as a clue to the hon. Gentleman in investigating the supposed inaccuracies. The monthly period for which the account was stated commenced on the 5th of January, and terminated on the 5th of February. The duty was 10*s.* per quarter until the 31st of January only; after that date it was reduced to 1*s.* per quarter by the new Act; and, until this reduction took effect, the entries were almost wholly suspended. The receipt of 49,639*l.* represented, in fact, therefore, an aggregate cousumption within the month of 913,544 quarters, instead of 99,278 quarters.

Mr. NEWDEGATE thought it would be more satisfactory to the House if the right hon. Gentleman would print the detailed statement of which he spoke with the Votes.

Mr. LABOUCHERE said, that if, after reading it privately, the hon. Gentleman was not perfectly satisfied with it, he would then have the statement printed with the Votes.

Subject dropped.

REGISTRAR OF THE PREROGATIVE COURT.

Sir B. HALL said, he would now put to the noble Lord the question of which he had given notice on the previous day. That question had reference to an office in the Prerogative Court of Canterbury, called the Office of Registrar, a sinecure office; its value, as he had been informed up to yesterday, was 9,000*l.* per annum; but he found he had greatly understated the matter, for he was now informed, on good authority, that the income of this sinecure registrarship from the fees and emoluments of various kinds was no less than 12,000*l.* per annum. The Archbishops of Canterbury for the time being had had the power, and had exercised, it, as vacancies occurred, of appointing one person to this office, and of nominating two others to fill the office in succession. At the time Archbishop Moore held the see of Canterbury, two vacancies occurred in the office; he appointed his two sons, John Moore and Robert Moore, to fill them, and these two gentlemen, in consequence of surviving the original nominee, successively enjoyed the office of registrar. John Moore died a few years ago; and Robert Moore now held the office, enjoying, concurrently with it, those of a prebend of Canterbury, of the rectory of Latchington, and of the rectory of Hunton, from which preferments, and his registrarship, he derived an income of 14,963*l.* per annum. During the time Dr. Manners Sutton held the see of Canterbury the original nominee died; a vacancy of course occurred, and the Archbishop, exercising the power he possessed, filled up the vacacy with the name of his grandson, the present Viscount Canterbury; the person so appointed to the registrarship in reversion being a boy of about ten years old! Dr. Manners Sutton died in 1828, and Dr. Howley was, in the same year, appointed his successor. In 1845, or thereabout, John Moore, then registrar of the court, died; and Dr. Howley had the power of filling up the vacancy. But, as he (Sir B. Hall) was informed, and the noble Lord would correct him if he had been misinformed, that most excellent and venerated Prelate made a communication to the Government, to the effect that he could not, in the conscientious discharge of his duty, fill up that vacant sinecure. It was but due to the memory of that most rev. Prelate to add, that this was not the only instance in which, on similar grounds, he forewent his patronage. In 1848, when Dr. Howley died, leaving the vacancy, Dr. Sumner was translated to the see of Canterbury; he found the vacancy not filled up, and, as it would appear, filled up that vacancy. He (Sir B. Hall) begged to know from the noble Lord whether such was the case; and, if so, whether the vacancy had been filled up by the Archbishop of Canterbury with his son's name, or with the name of Mr. Sumner, son of the Bishop of Winchester? He begged, also, to put another question, arising out of the question he had already put. In consequence of this office having been filled up in reversion by the names of boys, children of almost tender age, the Ecclesiastical Commissioners, in one of their reports, recommended that no such appointment should take place for the future, and, in consequence of that recommendation, he believed, a Bill was brought in, which afterwards became law, as 10 and 11 Victoria, c. 98, the 9th section of which provided—

> "That every person who shall have been appointed after the passing of the first-recited Act, except as therein excepted, or who shall be appointed after the passing of this Act, to the office of judge, registrar, or other officer of any Ecclesiastical Court in England, shall hold the same subject to all regulations and alterations affecting the same which may hereafter be made by authority of Parliament; nor shall any person by his appointment to any such office acquire any claim or title to compensation in case the same be hereafter altered or abolished by Act of Parliament."

It seemed tolerably clear that Dr. Sumner, with archiepiscopal forethought, had made his nomination in the hope that Parliament would not interfere. What he (Sir B. Hall) had then to ask further was, whether it was the intention of the Government to introduce any measure revising this appointment? If so, he trusted that the measure would include all persons not in actual possession of the office, and who, as a consequence, had not tasted the fruits of episcopal patronage.

LORD J. RUSSELL: Since the hon. Baronet announced this question yesterday, I have obtained information on the subject to which it refers—the office of Registrar in the Prerogative Court of Canterbury. I find, as the hon. Baronet stated, that Mr. Robert Moore was appointed by Archbishop Moore, and that the present Lord Canterbury was appointed to hold that office in reversion after the death of Mr. Robert Moore. Mr. Robert Moore now holds the office, and Lord Canterbury has the reversion of it. The hon. Baronet has truly stated that Archbishop Howley, there being one of the appointments in reversion vacant, did not fill it up. But I cannot say whether or not he made any communication to Her Majesty's Government on the subject. I remember perfectly his stating to me in conversation that there was an office to which he could present, but to which he did not mean to make any appointment, but he did not at the time state the nature of the office; it may have been this or another, because I believe there was more than one office to which he had the power of appointing, but did not appoint. It appears, likewise, that the second reversion of this office has been given, since the present Archbishop was appointed to the see of Canterbury, to Mr. Sumner, who is the son of the Archbishop, and who is a young man now studying in the Temple. Such are the facts which I have ascertained respecting this matter. As regards the law, a Bill was introduced and passed in 1847, which enacts that any person who shall be appointed after the passing of the Act to the office of judge, registrar, or any other in the ecclesiastical courts, shall hold the same subject to all regulations or alterations affecting the same which may hereafter be made by Act of Parliament, nor shall any person appointed to such office acquire any title to compensation in case the same be hereafter altered or abolished by Act of Parliament. The nature of this office is at present undergoing inquiry by a Select Committee of this House. It appears to me that it is one of those offices which, when Parliament shall deal with the subject, must either be abolished, or so altered, that the only salary to be given shall be for efficient duties actually performed. Therefore, the enormous amount af salary which the hon. Baronet has mentioned must be taken away; and by the two clauses to which I have alluded, the gentleman who has been appointed, I do not know exactly at what time, will have no claim for compensation whatever.

SALARIES AND WAGES (PUBLIC SERVICE).

MR. HENLEY said, that the subject he was about to bring under the notice of the House had been at various times, although not fully, the subject of revision since the year 1821, when that House had voted an address on the circumstances of the country, and praying for a revision of all salaries paid to civil members of the Government. That Motion was afterwards referred by Treasury minute to the heads of the various departments, and some alterations and reductions took place—considerable reductions, he believed, with reference to superannuations. That measure was followed up by a Committee of the House in 1831, to which were referred the salaries of Gentlemen who had seats in either House of Parliament, and which was somewhat analogous to the Committee appointed by the noble Lord at the head of the Government some short time back. Another Committee, during the same year, took cognisance of the various officers who were paid out of the Civil List, but who, from that time, were to be thrown on the Consolidated Fund. The result of these Committees was some reduction, although not to any very great extent; and since then he believed that there had been no general dealing with the subject. It would be in the recollection of the House, that about two years ago the present Government thought it right, considering the situation of the country, to refer various great branches of the public expenditure to Committees of that House. He had had the honour of serving on one of those Committees, which was appointed to revise the Miscellaneous Estimates. Now, that Committee, in its report, came to the following resolution:—

> "Your Committee have not recommended any reduction of public salaries in these estimates, as, after some consideration, discussion, and division of opinion, they thought that such reduction should form part of a general revision of all salaries suitable to the altered circumstances of expense, and condition of the country. Since they were originally fixed, in the course of such an examination it would be found advisable also to establish a more uniform rate of payment for similar services in different departments."

He did not find that in that valuable report on the expenditure of the Navy, the Committee had expressed any opinion on the amount of salaries paid to the very large civil establishments connected with that branch of the service. They seemed to have directed their attention wholly to the amount of service to be performed, and to have entirely overlooked the question of salary. This brought him down to what had taken place the other day, when the noble Lord then, on the part of the Government, brought forward a Motion referring certain limited branches of the public service to a Select Committee of that House. The noble Lord had not stated whether he contemplated the increase or the reduction of salaries; but he could hardly suppose that the noble Lord had thrown out this tub to the whale except for some specific purpose, which purpose, under the circumstances, must needs be reduction. However that might be, he should proceed to state broadly the three branches which the noble Lord had selected. First, there were such servants of the public as had seats in either House of Parliament; then there were those who filled diplomatic situations; and, thirdly, there were the occupants of judicial offices. He (Mr. Henley) thought he should be able to show that each of these three departments stood on special grounds, and that they left untouched the great branches of public expenditure. First, the judicial offices were paid in proportion to the income previously earned by the occupant at the bar; because it was necessary that those who were to guide and direct the administration of the law should previously have attained eminence in its study and practice. There was a specialty of itself requiring separate consideration. Next came the diplomatic service; and there, again, various circumstances were to be considered, such as the number of persons available having the necessary talents, and the expenses they were likely to incur in the countries to which they were accredited—items which might be influenced by manners, customs, and various other causes, all of which must be taken into consideration. With respect to the third head, the Gentlemen filling public offices, who held seats in either House of Parliament; there, again, he thought he should be able to show special circumstances distinguishing their position from that of other servants of the Crown. In the first place, those Gentlemen were in and out of office by turns; and, besides, their situations were attended with the peculiar feature, that, while other Government servants worked during the day, they were obliged to work both day and night—in the day in their offices, and in the night in either House of Parliament. On these grounds, if the Government and the country thought it right that the three great establishments of the Army, Navy, and Ordnance should undergo revision, he wanted to know why it was that all the larger branches of the public expenditure which he was about to bring under the notice of the House were altogether to escape. The Army, Navy, and Ordnance estimates came annually under the notice of Parliament. The judicial offices and those of persons having seats in Parliament had been revised, and were subjects of consideration, and therefore he thought it would be difficult to state any valid reason why the larger masses of the public expenditure should not be made the subject of revision. He knew it was held by many persons, both in and out of that House, and it had been held, among others, by the noble Lord at the head of the Government, and the right hon. baronet the Member for Tamworth, that no material saving could be effected except in the warlike establishments of the country. He (Mr. Henley) could not but think that there was a good deal of error in that statement. He thought that when he should show how large was the amount of expenditure that never came under the eye of Parliament, or at all events came under notice after a lapse of time when the interest had passed away, that the House would be of opinion that in all those departments considerable saving might be effected. He should now, with the permission of the House, proceed to state the amount of these various branches. He found that under the heads Customs, Excise, Taxes, Post Office, and Crown Lands—he was now looking at the finance accounts of 1848-49—that the amount paid in salaries and wages in the departments of the Customs, Excise, Stamps, Taxes, Post Office, Crown Lands, Quarantine, Scotch Judges, and other salaries paid out of the revenue, was no less than 2,818,001*l.* Now, not one farthing of this came under the revision of Parliament at all. He found that there was also paid to various commissioners in salaries 271,273*l.*, and that the diplomatic salaries amounted to 140,000*l.* He also found as charges on the Consolidated Fund under the heads of Courts of Justice and Police, no less than 1,097,924*l.* These items altogether amounted to 4,327,197*l.*, not one farthing of which came under the review of Parliament. There was a certain amount settled by Act of Parliament to the lives of the present holders, but that was not a large amount; and with respect to the rest, which might be fairly stated at 4,000,000*l.*, not one farthing, as he had before said, ever came under the review of Parliament. Then in the Army, Navy, and Ordnance, the salaries and wages, which had nothing whatever to do with the fighting men, amounted to 1,515,881*l.* In the Commissariat there was about 100,000*l.*, and in the Miscellaneous Estimates about 1,031,212*l.*, making a grand aggregate of all these items of 6,974,291*l.* But that was not all. There was a large amount of salaries which were under the control of Government, and of which any balance saved went into the Exchequer. There were the county courts, with all their judges and officers, some of the Judges in Chancery, and all the bankruptcy establishment, besides all the officers in courts of common law. He believed that he might fix them at 500,000*l.*, which would swell his aggregate for the various departments to the enormous total of 7,500,000*l.* Now, the whole sum paid actually to the officers and men in the

Army, Navy, and Ordnance, was, in round numbers, 6,500,000*l.*, so that the amount spent in the civil departments was actually 1,000,000*l.* more than was paid for the fighting service of the country. And yet they were told it was quite impossible to save anything out of the civil expenses, and that all that was possible to do must be done in cutting down the warlike establishments. It looked as if Gentlemen opposite wanted, in sporting phrase, to give a false halloo, turning attention from those branches in which retrenchment might really be effected. A great deal had been said out of doors, although the point had been disclaimed in the House, about the Army being kept up mainly for the purpose of providing for certain branches of the aristocracy; but he might say on this point, that he found the effective officers of the Army, including the staff, received about 1,100,000*l.*, and the men, who were generally taken from the unskilled labourers of the country, about 2,200,000*l.* He thought, therefore, it could not be contended that the people did not get a considerable share of the amount expended upon the Army. The noble Lord had, on a previous evening, observed that it was not possible to do much more in the civil departments than he had done, and was doing. He had saved about 100,000*l.* in the stamps and excise, and was about saving something more. Similar language was held by the late First Minister in 1845. The noble Lord went farther than the right hon. Baronet the Member for Tamworth; but as both agreed in the general statement, he (Mr. Henley) had been compelled to look into both, and would now describe them to the House. The statement made by the noble Lord was to this effect:—

> "That since the year 1833 no less than 2,170 persons who had been employed in the stamps and excise departments had been reduced, and a saving thereby effected to the country of 259,000."

And the right hon. Baronet the Member for Tamworth, in his financial speech of 1845, made this statement. Speaking of the revenue departments, the right hon. Baronet said—

> "It may be said that offices might be abolished, and emoluments might be reduced. I admit that no office ought to be retained which is not necessary for the public service. I admit that no emolument attached to any office ought to be retained which is not necessary to secure the faithful and efficient performance of the duties necessary for the public service. I vindicate no sinecures, and when an office becomes vacant we go through that process which has been so frequently recommended of considering if the retention of it is necessary for the public service, and if the emoluments will admit of reduction consistently with a due regard for the public interests."

And with regard to the revenue establishments, and the charge of collection, the right hon. Baronet added—

> "It is our duty to reduce those establishments as far as is consistent with the public convenience. I do not vindicate the retention of one single useless officer, but the public is interested in giving to the despatch of public business every facility that can be given consistently with a due regard to economy; and therefore, as far as the principle is concerned that the revenue ought to be collected at the least possible expense, and that you ought to make every reduction you can, upon that point I apprehend there can be no difference of opinion. But still, after that admission, you will find that the subject has constantly occupied the attention of the Government, and that great reductions from time to time have been made. But it would be a delusion and a fallacy to expect that you can materially reduce the public burdens by any diminution of the salaries of the persons employed."

Seeing that the public salaries amounted, as he had shown, to 7,500,000*l.*, he did not come to the same conclusion that no material saving could be made if it were found just and proper to attempt it. But at the close of the same speech there was something from which he drew some consolation. The right hon. Baronet then said—

> "The House will observe that I take no credit for the ultimate saving there will be in the reduction of the public establishments. This diminution of clerks will afford a material saving."

This statement was made in 1845 — midway between the two periods 1838 and 1849—when the right hon. Baronet was about to introduce considerable modifications in the customs laws; and the House would see how far the prospects of general reduction held out had been realised up to that time. In 1838 he found the four great branches of public revenue — customs, excise, stamps, and taxes, cost the country, in salaries and other expenses of collection, 1,993,515*l.*; and in 1844 — when, according to the noble Lord, great reductions had been made from time to time — the tariff having been revised in 1842, and between 100 and 200 articles entirely struck out — in 1844 the cost of collecting these same four branches of revenue had swollen to 2,034,167*l.* But that was not all. An important item for consideration in these cases was the superannuation allowances. In 1838, the superannuation allowances on account of those branches of revenue — he did not take the Post Office into account, because the penny postage having been introduced in the interval, a fair comparison could not be made in that department as between the same two years — in 1838 the superannuations paid to retired officers from these departments, amounted to 228,690*l.*; and in 1844 they had risen to 254,413*l.*; so that there was an increase not only in the amount of the salaries, but in the superannuations also; thus, as it were, adding to the expenditure on the right hand and on the left. But it might be said that the revenue had increased since 1838. Admitting that to be the case, yet he found that the cost of collecting had increased beyond its due proportion. In 1828 the cost of collecting the customs revenue amounted to 5*l.* 0*s.* 5*d.* per cent; and in 1844 it had risen to 5*l.* 4*s.* 2½*d.* per cent. In the excise the cost of collecting in 1838 was 6*l.* 6*s.* 4*d.* per cent; in 1844 it had risen to 6*l.* 8*s.*: and in stamps the cost of collecting had risen between those two years from 2*l.* 1*s.* 7*d.* to 2*l.* 2*s.* 8¾*d.* per cent. He could not make any accurate comparison as to the increase in the percentage of the assessed taxes, because the imposition of the property tax within the two periods would derange the basis of the calculation. He now came to the comparison between 1844 and the present period. He assured the noble Lord he was not unthankful for small mercies; he rejoiced in any saving, however small; but, at present, he did not find that any had been effected. In 1845 the House was promised distinctly by the then First Minister of the Crown, that if they consented to the repeal of the glass and auction duties, there would be a considerable saving follow in the costs of collecting the revenue. It was not often that the House had the benefit of a clear categorical explanation of anything from the right hon. Baronet; but on that particular occasion he did travel out of his usual course, and, with regard to flint glass, he told them that if the duty was taken off, the 57 per cent, which was the cost of collection, would be saved. The duty collected upon flint glass was 61,000*l.*; the cost of collection, therefore, would have been 34,000*l.* a year; and 50,000*l.* a year was to have been saved in the cost of collecting the auction duty. Again, they were led to expect that great economy would result from reducing the number of articles in the tariff by 430, and the consequent saving of the labour of clerks and collectors. On the two items, glass and auctions, they were promised a saving of 84,000*l.* a year, whereas the whole reduction which had taken place did not amount to that sum. The amount of salaries in 1844 was 2,034,167*l.*, and of superannuations, 254,413; making an aggregate of 2,288,580*l.* In 1848-49, the aggregate amount of salaries and superannuations was 2,294,648*l.*; and deducting reductions to the amount of 89,565*l.*, they had a sum of 2,255,083*l.* against 2,288,580*l.* in 1844. The actual saving was, therefore, 83,497*l.*, or something less than the amount which they were promised in 1844 would be saved in one year; or a fraction less than what they had been promised by the right hon. Baronet as arising from the abolition of the duties on flint, glass, and auctions. And this, notwithstanding the less expensive mode of raising taxes by substituting, to a large extent, direct for indirect taxation, which had been adopted. He thought he had now shown that the Government had not made out such a case of continued reduction in the charge on account of these branches of public expenditure as would justify the House in saying that no useful revision of the salaries and emoluments of these departments could be made. There was another branch of expenditure which he thought might fairly be considered. No man, he conceived, would say with regard to the various paid commissions which were in existence, that if those commissions were now to be proposed for the first time, the same amount of salary would in all cases attach to them. He recollected that some six or seven years ago a Commission was appointed for the management of cases of lunacy, and that some discussion took place as to the amount of salary which the Commissioners should receive. Would any man who took part in that discussion say now, if the question were again raised, that there would be any difference of opinion as to fixing the minimum salary then proposed? He knew not whether the noble Lord considered the case of these Commissioners to come within the terms of his Committee on Public Salaries; he did not know, but he thought it one to which inquiry should be extended. There was a body of commissioners attached to the Court of Chancery — Masters in Lunacy, he believed they were called, whose duty it was to preside over inquiries as to unsoundness of mind; these gentlemen received a salary of 2,000*l.* each; but on what principle, seeing that a county courts judge received only half that amount, he could not conceive. In his opinion the whole of this class of salaries ought to undergo revision. He came now to another branch of the subject, in which, however, the noble Lord had, by the course he had himself taken, relieved him in a great measure from the necessity of showing why a revision should take place. It was as necessary with nations as with individuals that they should occasionally examine and overhaul their affairs; and the noble Lord would not have appointed his Official Salaries Committee if he had not felt that there was something in the circumstances of the present time requiring some revision of those salaries. He had, on a previous occasion, referred to the great reductions which had taken place in the price of all articles of luxury and of necessity. He did not attribute those changes altogether to recent legislation, nor was he one of those who thought there was ground for that despondency which some appeared to feel; but he thought at such a time it was a just and legitimate course to show that during a long period of years there had been a great alteration in the value of money; secondly, that there had been a continued and steady decrease in the rate of interest of money, which had had the effect of stimulating competition and lowering profits in all industrial and commercial occupations, which made it extremely difficult for persons who had not the advantage of a very large capital to support themselves and their families. He would not say that legislation had been carried on of late years with the view to such a result, and to secure to the person of fixed income the advantage which such a state of things gave him over others; but so far as legislation had interfered with the money laws and the commercial laws, it had tended to produce low prices. As to the policy of legislating to secure low prices, he would not now offer any opinion; and no doubt the reduction which had taken place in the price of many articles had been in consequence of the operation of circumstances over which we had no control. Within the last twenty years we had made considerable reduction in the interest of the public debt: this proved that the rate of interest had diminished. The official returns in respect to the national debt showed clearly enough the downward progress of the value of capital. In the year ending the 5th of January, 1829, the interest on the debt, which was (exclusive of annuities and other charges not liable to the ordinary rates of interest) 772,322,540*l.*, was 25,342,549*l.*; while in January, upon a debt of 774,022,638*l.*, a larger sum by 1,700,198*l.*, the interest was 23,862,257*l.*; a less amount by 1,480,292*l.* This would be shown clearer by the table:—

	Capital.	Interest.
1829—5th Jan. ...	£772,322,540 ...	£25,342,549
1849—5th Jan. ...	774,022,638 ...	23,862,257
	£1,700,198 ...	£1,480,292

(Parliamentary Paper, 1849, No. 428.)

The difficulty of obtaining the means of subsistence by persons of small or moderate capital might be judged of from the extent to which emigration was proceeding, for it must be remembered that people would not generally leave their own country willingly while they were able to get a living in it, and it was the pressure of circumstances which drove them from their native homes to a foreign country. The number of emigrants, which in 1828 was 26,092, had risen in 1848 to 248,089. This fact alone proved how severe must be the pressure upon the people. Nor was the increase confined to the labouring class, but it extended to those who possessed capital, and were in the habit of giving employment to labour, as might be gathered from a comparison of the number of cabin passengers in the two years he had mentioned. In 1828, the number of emigrants who had taken a cabin passage had been 4,829; but in 1848, out of 176,838 emigrants, it had risen to 11,550. Again, let them look to the criminal returns, and see how the comparative numbers of criminals stood. They were as follow according to the Parliamentary returns:—

	Population.	Criminals.
1831	13,897,187	19,647
1841	15,906,741	27,760
1848	17,497,415	30,349

No doubt there had been a considerable increase in the population between the two years; but the increase in the population bore no comparison to the increase in the number of criminals. He had shown from public documents that there was a great pressure on the people of this country, and that there was very great difficulty in obtaining the means of subsistence. In every town and village in the country they saw the same process in operation by which the small trader was squeezed down, and the larger trader carrying on his trade with great difficulty, and often against a ruinous competition, and he was sure every Member of the Government would admit that never at any former time were there so many applicants for every office, however humble, that fell vacant as at present, these applicants being for the most part persons of excellent qualifications, good character, and general fitness. To come next to prices. On the total amount of exports, the official and declared values are as follows:—

	Official value.	Declared value.
1828–9	£52,029,150	£36,152,798
1838–9	92,107,898	69,640,896
1843–4	117,574,563	51,932,656
1848–9	132,617,681	52,849,445

In the four great branches of manufacture—cotton, linen, silk, and woollen—the same result was more strikingly manifest. The exports of these were—

	Official value.	Declared value.
1828–9	£38,006,996	£20,921,652
1838–9	66,049,418	26,065,062
1843–4	83,926,385	26,490,778
1848–9	96,593,290	25,810,770

In haberdashery and millinery, now an important branch, the exports were—

	Official value.	Declared value.
1828–9	£44,224	£485,981
1838–9	49,348	516,053
1843–4	79,330	718,064
1848–9	429,760	927,603

The declared value was thus, in 1828–9, as 485,000 to 44,000 official value, and in 1848–9, 927,603 only to 429,760. All this, he thought, tended to bear out the statements of which they had latterly heard so much of the difficulty, daily increasing, of labour competing with capital. It appeared by the painful statements which had for some months been before the public relating to the condition of many of the artisans of this town, that all parties who lived by the needle had had some common cause affecting them; the wives and daughters of mechanics were obliged to eke out their living by coming into the seamstress's department, whom again the tailors found coming into their line; indeed, one man said that their throats were cut by their own wives and daughters; and the shoemakers said the same. Now the declared value of the exports of haberdashery and millinery was about ten times the amount of the official value in 1828–29, 1838–39, and 1843–44; but in 1848–49 it had become little more than double, showing a depreciation of 400 per cent.

The registrar's return of persons engaged in various trades in 1841, gave the following figures:—

Cotton manufactures, all branches	280,889
Flax and linen, all branches	61,754
Silk	58,245
Woollen	97,353
	498,241

The same return gave the following numbers in other trades:—

Shoemakers	214,780
Dressmakers and milliners	106,801
Sempstresses	28,311
Staymakers	6,570
Tailors	126,137
	482,599

When the great number of children employed in the latter trades were taken into account, these two groups of trades might be taken as nearly equal in numbers; and he could not help connecting their sufferings with the remarkable manner in which the declared value had altered. He knew not to what extent these tables were to be taken as a guide, but it appeared that there must have been some cause at work during the last four years to affect those branches of trade in so remarkable a degree. Now, he had already mentioned that the noble Lord at the head of the Government stated the other night that, in the detailed account he had obtained of the various matters of income, he could find only two or three articles in which there had been any material diminution. He (Mr. Henley) had been making some inquiry—because these were matters which could only be got from private sources—and he found that a diminution had taken place in a long list of articles. Beef and mutton, for instance, between 1828 and 1849, had been depreciated perhaps 17 per cent; at the present time the depreciation was 24 per cent. Bread had been depreciated 20 per cent. In groceries, on 52 articles, the diminution was 25 per cent. Hay, straw, and corn, were diminished 20 per cent. Furniture and ironmongery had diminished 20 per cent, and linen 16 per cent. He was now speaking of the retail prices of these articles. Cotton had diminished 30 per cent; woollens, 10 cent; shoes 7 per cent; hosiery, 25 per cent; fuel, 25 per cent; wine, 18 per cent; and beer, 20 per cent. It was difficult to say what the percentage of diminution in locomotion had been. But, looking at the articles he had enumerated, he could not assent to the statement of the noble Lord, that there had been only one or two articles in which a material diminution had taken place. The noble Lord had certainly not told the House from what time he calculated, and therefore it was possible that his calculations had not extended beyond a very recent period. He (Mr. Henley) had now gone through the various matters which he thought bore on this question.

He thought he had shown that the amount to be dealt with was not unimportant, and therefore that it was right to revise all the branches of the public service. He had endeavoured to indicate, so far as he could, reasons which satisfied his own mind, at least, that there was at the present time, and had been growing for many years, a general cry of more work and less money. He believed that in all the relations of life this cry was to be heard. He also thought he had shown that there had been a great and general reduction of all the necessaries and luxuries of life. He was not one of those—he had never in that House been one of those—who pressed this question with an unwillingness to maintain what was justly due to public servants and public men. But he believed the true mode of maintaining what was justly due to both, was to exercise a true and just economy; and if the circumstances he had stated were correct, then he contended that it was the duty of the Government to revise those large branches of the public service to which his Motion had reference. It was no agreeable or pleasant task for anybody to talk of reductions; but standing as he did there as an independent Member, and a trustee for the public, having formed a strong opinion on this matter, he could not avoid bringing it before the notice of the House. Whether he might be successful or not, he could not tell; but of this he was certain, that if what he had stated was well founded, it was of such importance in an economic point of view that it must force itself on public attention. If, on the other hand, he had taken a mistaken view, he had at all events done his duty in bringing the matter fairly, and he hoped temperately, before the House for consideration and discussion. He could not, however, close his observations without stating that he believed, generally speaking, the Crown and the country had the good fortune to be served by a zealous, able, and efficient body of public servants; and further, that he, for one, did not think the recent reduction in prices ought to be carried out in its full extent in the reduction of the salaries of these public servants; but he did demand that the subject should be taken into consideration, as he believed that the salaries to be paid to commissioners, head clerks, and those in lower stations, should be subject to revision periodically. He had brought forward the Motion, because hitherto the Government had shown no intention of revising the salaries of the great mass of those officers who were permanently employed in the public service. [Lord J. RUSSELL: Hear, hear!] The noble Lord cheered that observation; but what he had done was to diminish the number of persons employed, but not to revise salaries. He (Mr. Henley) knew the noble Lord had done a great deal in diminishing the number of persons employed in public departments, but that course did not appear to lay open the question. Besides, the necessary amount of work might not be able to be discharged if the number of hands were too small, and in such a case you never could have proper supervision. If, unfortunately, greater pressure should come upon the country than there existed at present, Government might evince a disposition to meet the case in the manner now suggested. There appeared to be some difference of opinion even among the Members of the Government upon this subject at present. He had received a petition, which he should present to-morrow, from a board of guardians in Oxfordshire, in which they stated that the head of the poor-law commission had refused to sanction certain reductions they had suggested. The right hon. Home Secretary seemed to take a different view from the head of the poor-law commission respecting reductions. A question had arisen in the county of Gloucester last year with reference to the diminution of the salaries of the police force. The magistrates agreed to it. The parties, being dissatisfied with it, appealed to the Home Secretary, and that right hon. Gentleman sanctioned the reduction; so that among the Members of the Government there appeared to be some discrepancy of opinion on this very important subject. There was, however, in the country at large a strong feeling on this subject, but not, he believed, a feeling to carry the revision beyond what was just and fair. These were the reasons which had induced him to bring the Motion before the House. He had endeavoured to do so as shortly as he could, though he feared that in handling so many topics he had trespassed upon their kind attention to too great an extent. He begged to submit the Motion of which he had given notice.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, humbly to request that She will be graciously pleased to direct that a careful revision be made of the Salaries and Wages paid in every department of the Public Service, with a view to a just and adequate reduction thereof, due regard being had to the efficient performance of the several duties."

The CHANCELLOR OF THE EXCHEQUER said, he was at a loss to understand what reasons had induced the hon. Member for Oxfordshire to bring forward this express Motion on the present occasion. There had been one or two Motions urging on the Government, who were themselves most anxious for every possible economy, reductions in the public service, and if he felt that the Government had been negligent in the discharge of that duty, he might have been disposed to accede to the justice of these Motions. If he did not feel he could prove to the House that not only the present Government but their predecessors in office had been year after year exercising a strict revision over the various branches of the public establishments, and that most of the increased expenditure had arisen from further duties imposed on the clerks in existing departments, or from new duties imposed on the Government, rendering it necessary to establish further offices, he should almost have been disposed to acquiesce in the Motion of the hon. Member. But when he told the House what had been the course pursued by the Government, and by their predecessors for some time, and when he reminded the House of what on former occasions the noble Lord at the head of the Government and himself had stated as to the reductions which had taken place, and the extent of which the hon. Member had omitted to mention, he could not see any object the hon. Gentleman could have in bringing forward such a Motion, except to express some censure, which he (the Chancellor of the Exchequer) thought the Government did not deserve, or to lead to some conclusion which he had not avowed. The hon. Gentleman went into a number of topics not very easily connected, as far as he (the Chancellor of the Exchequer) could perceive, with the subject of his Motion, and when he (the Chancellor of the Exchequer) had come down to the House prepared to answer a Motion for the reduction of the salaries of public officers, and of the expenditure of Government, he had not expected to hear a long discussion respecting differences in the official and the declared value of different articles. But the hon. Member, in his enumeration, had not adverted to the changes which had taken place in the description of many of these articles, particularly those which came under the name of haberdashery. That word formerly expressed needlework performed by the hand, but at present much of what was called haberdashery was performed by machinery. There were persons in Glasgow who manufactured articles of that description by machinery at very greatly reduced prices; and when the hon. Member inferred, from the diminished value of articles under the head of "haberdashery," that the needlewomen were reduced to distress, he was arguing from premises in which he was utterly and entirely mistaken. The hon. Member had affirmed, that at present all persons earning a livelihood by the needle must be in a state of distress; or that, to use his own words, "the tailors' wives and children were cutting their husbands' and fathers' throats," and that it was the same case with the shoemakers. Now, among the complaints which had proceeded from that class, he (the Chancellor of the Exchequer) had heard one great cause of the depression existing among them was the low price for making soldiers' clothing paid by Government; and yet the proposal made by the hon. Gentleman would lead to a still further reduction of the payments, which, according to him, was one of the great causes of depression among these people. ["Oh, oh!"] Hon. Gentlemen cheered, as if that was not the consequence of the hon. Gentleman's Motion. If Government were to reduce the rate of wages paid to the needleworkers, they must necessarily depress the market still further, and create the very distress the hon. Gentleman had pointed out in such strong language as prevailing to an extent unparalleled in this great town. The hon. Gentleman seemed to blame his (the Chancellor of the Exchequer's) noble Friend for having, on a former occasion, stated that there were various items which entered into the expenditure of persons of small incomes, in the price of which little or no diminution had taken place. It was unfortunately true that there would be little difficulty in pointing out such items. As to the cost of articles of food, for instance, there was no doubt that while corn was cheaper, the price of some articles, such, for instance, as potatoes, was considerably higher. Without referring to documents applying to other parts of the country, he would state the case as to the comparative cost of food in the great metropolis, where the large body of the clerks lived, and he would contrast the cost of maintaining an inmate of the Marylebone workhouse in 1843 and 1849, including all those items which entered into the personal expenditure of clerks to which the hon. Member had referred. From the document in his hand, it appeared that each pauper in 1843 cost 4*s.* 4¾*d.*; but, in 1849, cost 5*s.* 0¾*d.* The price of flour was somewhat less, having been 34*s.* 7½*d.* per sack in 1843, and 32*s.* 3*d.* in 1849; but the cost of potatoes, an item of large expenditure, had increased during the same period from 54*s.* to 107*s.* 6*d.*, while the price of oatmeal had risen from 11*s.* to 11*s.* 4½*d.*, and meat was somewhat dearer also. He was therefore justified in saying that in many items the reduction so much talked of had not been practicable, and the increase in some of those items more than compensated for the reduction that had taken place in the price of corn. He could not help feeling that, as Chancellor of the Exchequer, he stood in a very painful position at present. When in the House he was told that the Government did nothing to reduce the expenditure. He wished he could transfer some hon. Gentlemen to one of the rooms in Downing-street, where they would hear complaints of a very different nature. Why, persons came to him every day complaining of the hardship the Government was inflicting on the unfortunate clerks by reducing their salaries, and these complainants were sometimes the very persons who censured the Government in the House for refusing to reduce the expenditure. He could assure hon. Gentlemen opposite it was no agreeable part of his duty to attempt to carry into effect the spirit of such Motions as were made in the House of Commons, and that the difficulty was not diminished when hon. Members not unfrequently came to him to complain of the cruelty of carrying into effect the propositions they themselves had supported. He quite admitted the principle on which the Government had proceeded in reducing the public establishments was not that which was recommended by the hon. Gentleman. He (the Chancellor of the Exchequer) did not believe it was a fair or just economy to reduce generally the salaries of all public servants. On the contrary, he believed the principle of reducing the number of clerks as far as possible, thereby throwing additional work on those who remained, and obtaining a greater amount of labour in return for the same salary, was a mode of obtaining a reduction which contributed more to the efficiency of the public service, and much more to the maintenance of a just economy, than the plan the hon. Member proposed the Government should adopt. It would be exceedingly unjust to reduce the salaries of all public servants generally. Nothing was more common in public offices than that when vacancies occurred in the situations of highly paid officers to fill them up by others who perform the same, and sometimes additional duties, at a much lower salary. The Government were for a just economy, but he did not think it would be right to reduce all salaries in such cases as these; and he must say, after the course the Government had pursued in throwing greater duties on these persons for the same amount of salary as they had formerly enjoyed, it would be most cruel and most unjust to turn round on them and reduce their salaries. The Government were bound to stand forward and protect these persons from injustice of that kind; and for himself he should feel the deepest regret if, after imposing such labour on them, their salaries were reduced by a vote of the House. The hon. Member seemed to have omitted the subject of the higher salaries, which had been referred to the Committee, from his Motion; and he (the Chancellor of the Exchequer) would only say with respect to them, that he perfectly acquiesced in the words of the Amendment of the hon. Member for Buckinghamshire on a former occasion, that in all offices distinctly under the control of the Government it was their duty, on their own responsibility, to introduce such measures for the reduction of salaries as might be compatible with the public service. He did not believe, however, it would be compatible with the efficient discharge of the public service to make a general reduction of the salaries at present received by the majority of the public servants. He did not mean to say, that when vacancies occurred among the higher officers, it might not be proper to replace them with others on smaller salaries; but he thought it would be monstrously unjust to reduce their salaries 30 or 40 per cent, after they had worked themselves up in the course of a long and laborious life to some of those few prizes which were to be had in the public service, Surely the House of Commons would not be so unjust or so unmindful of the merits of that most able and useful class of men, as to inflict such an injury upon them. As to the reduction of expenses in our establishments, he would state to the House what had been done in past years, as well as by the present Government; for it would be exceedingly unfair if he did not do justice to those who had preceded them in their efforts for the constant reduction of salaries. From year to year, and day after day, that constant reduction had been going on. He found from a return moved for by the hon. and gallant Member for Lincoln, who was so watchful over the public expenditure, that the charge for salaries in 1815 was 3,763,000*l.*, while in 1835 it had been reduced nearly 1,000,000*l.*, having fallen to 2,786,000*l.* Any increase that had taken place since that year had been owing altogether to the additional work and labour thrown on public departments, or to duties being laid on the central Government which had formerly been performed, if at all, by local establishments. He wished more particularly to refer to the departments under the control of the Treasury; and he thought hon. Members would see that especially in that description of office which had been hitherto considered as the peculiar private pieces of patronage possessed by the Ministers, most considerable reductions had been made, and that to an extent of which hon. Members might not be aware. Excepting the lowest class of clerks, the number of persons engaged in the department of the Lords Commissioners of the Treasury in 1821 was 38, receiving salaries to the amount of 42,960*l.* In the present year 29 persons were employed, whose united salaries amounted to 24,680*l.* Thus within the last 30 years a reduction of nine persons, and of 42 per cent on salaries, had been made, and a saving effected of upwards of 18,000*l.* In 1821 there were three separate boards of Customs for England, Ireland, and Scotland, and there were 21 commissioners, whose united salaries amounted to 26,500*l.* There were now only eight commissioners, whose salaries amounted to 10,900*l.*, and at the next vacancy a further reduction of one commissioner would take place, so that the reduction which had taken place since 1821 was more than half of the whole expenditure for that year. Next came the boards which were now united under the denomination of the Board of Inland Revenue. In 1821 there were 41 commissioners of those various boards, with salaries amounting to 43,530*l.* There were now but eight commissioners, with salaries of 11,200*l.*; and a further reduction of one commissioner would take place on the next vacancy. In these departments alone there had been a reduction of 75 appointments, and the amount on the united salaries was not less than 60,280*l.* That reduction had not taken place in the working staff of the establishment, but among the superior officers and among persons holding the rank of commissioners. Each succeeding Government had pruned down the establishments till they had come to the amount he had stated. Even in the last two years, if he took the expenditure in what was called the Treasury Salary Bill, and compared the amount in 1847 with that in 1849, he could show a reduction of 5,000*l.* and upwards. It certainly was not quite fair, therefore, to imply that Government had been unmindful of the economy which they professed, and which the House was so anxious to see carried into effect; and he hoped the House, by refusing their assent to the Motion, would express their opinion that the Government had not been unmindful of their duty. Lest there should be any misunderstanding as to the reductions which had taken place in the Excise since 1833, he would inform the House that the reduction of persons had amounted to 2,054, and of money to nearly a quarter of a million. Surely that was no inconsiderable reduction. The Paymaster General, the Secretary of the Treasury, and an old public servant, Sir Alexander Spearman, had been employed in revising the Customs establishment, and the result of their first report was, that there had been a reduction of 65,000*l.* a year. The second report, which had not yet been carried into effect, would occasion a further reduction of 7,000*l.* It was impossible to calculate the exact reduction in that establishment; but it must be remembered that a portion of the officers—the sea-side service—was kept up, not merely for the purpose of insuring the revenue, but to afford the accommodation to merchants and traders necessary for carrying on their business. He was sorry to be obliged to observe that the hon. Gentleman seemed to have wholly lost sight of all that had already been done in the way of retrenchment and the reduction of salaries. The hon. Member took no notice whatever of what had been done in the Pay Office; when, if he had made himself acquainted with the facts, he would see that by the consolidations effected in that office alone there had been a saving of 16,000*l.* per annum. Upon the charges of collection the hon. Gentleman appeared to lay much stress, and gave instances of increase of charge in cases where the revenue was decreasing. Now, it was well known that in the collection of the public revenue the charge was not necessarily regulated by the amount collected; and expense was often unavoidably incurred for the protection of the revenue. But to show that considerable reductions had been made in the cost of collection, he would state the charge per cent for collecting certain branches of the revenue during the last year, as compared with the cost two years before:—

In the year 1847 the charge for collecting the customs was	£5	19	6	per cent.
In 1849 it was	5	15	9½	„
Being a saving of	£0	3	8½	
In 1847 the cost of collecting the excise was	£6	7	11	„
In 1849 it was	5	13	6½	„
Saving per cent	0	14	4½	
In 1847 the cost of collecting stamps was	£2	1	5¼	„
In 1849 it was	2	0	7¼	„
Saving per cent	0	0	10	
In 1847 the cost of collecting taxes was	£3	6	5½	„
In 1849 it was	3	5	0	„
Saving per cent	0	1	5½	

He had here to observe, that those large reductions had been effected in the short space of two years; and he begged to remind the House he had formerly stated that which he would now repeat, namely, that these savings had been effected in the face of a very considerable increase of business. It was well known that in every department of Government there had been a progressive increase of business. From the very highest office under the Crown down to the very lowest, that increase had been manifest, and it was seen to contrast very strikingly with the amount of labour performed in similar situations thirty years ago. When a question was raised as to whether or not the *employés* of the Government were overpaid, it became no easy matter to say what Government salaries ought to amount to, but some light might be obtained from referring to the salaries paid by other great establishments, and by private persons, who were able to exercise great vigilance, and who had every motive for the strictest economy. Let them see if such persons paid less than the Government. Now, the fact was quite the contrary. In the Bank of England the gross amount of salaries was 211,903*l.*; whereas, the total of salaries at the Treasury, the Home Office, the Foreign Office, the Colonial Office, the Privy Council, the Boards of Trade and Education, amounted to 238,000*l.*, being only 27,000*l.* above that of a single establishment in the city of London; and it appeared that some of the more highly paid functionaries in that establishment had salaries as great as any of the permanent officers under the Government. With the exception of solicitors, who were paid according to professional rates, there were in the departments that he had mentioned few persons with salaries much exceeding 2,000*l.* a year; there were six or eight perhaps who had salaries varying from 2,000*l.* to 2,500*l.* In contrast with these he would mention the East India-house, which came nearest of any to the character of a Government office; there the Secretary had 2,400*l.* a year, and a house; and other permanent officers were rewarded at the rate of 2,000*l.*—1,500*l.* and 1,000*l.* a year, being about the ordinary salaries amongst the higher classes of permanent Government officers. From some of the public companies as well as from private individuals examples might be taken; there was the secretary of the St. Katharine's Dock Company with a salary of 2,000*l.* a year. There were secretaries of railway companies with equally large salaries. In a London brewery in the year 1846 the amount of salaries was 9,605*l.*, whereas in 1849 they amounted in the same establishment to 10,949*l.*, showing an increase of 1,344*l.*; there were, however, two small reductions in that establishment to the extent of 195*l.*, which made the exact increase only 1,149*l.* The House no doubt would at once perceive that private parties had every possible motive to work their establishments at once efficiently and economically; but men of business could not fail to see that reduction of expenditure was always a matter of the utmost difficulty. In order to show the probable effect of any attempt to force the Government to undue reduction, he should call the attention of the House to a passage in a report made to the proprietors of the Great Western Railway. [Colonel Sibthorp: Hear, hear!] The hon. and gallant Member might cheer, but such cheers would answer no argument that he had used. He was not aware of any reason why that company should not be as likely as any other to exert the utmost care in combining efficiency with economy, or why they should not entertain the liveliest sense of their own interest. The report to which he referred showed merely the result, or rather the part of it which he should read, being the conclusion, would show the result of what the company had done. The report was dated the 10th of April, 1850, and concluded in these words:—

> "It is with much regret the board feels bound by their duty to the proprietors to represent that the short experience of a few months has realised those apprehensions. Since the reduction was notified, the whole establishment has become unsettled—the officers and principal clerks, with few exceptions, have been seeking other employment, some valuable servants having quitted, and others are about to leave the service. Nor has the effect of the reduction been confined exclusively to those whose salaries were reduced, for several others, in despair of improving their position in the present service, have also resigned, to obtain more lucrative employment elsewhere. The directors have thus had practical proof that serious prejudice to the company has arisen, and they apprehend that still more must ensue, unless steps be now taken to give some assurance of an established scale of salary and pay upon which your officers and servants can rely. If length of service, with great experience and proved ability, are essential in managing affairs towards the prosperity and welfare of any important undertaking, success is not likely to be attained by the discouragement of those upon whom so much depends, nor can a reduction of reasonable salaries be expected to counteract pecuniary depression in times of difficulty."

There was great truth and justice in that statement, and he did not hesitate to say that if any announcement were made to the effect that salaries in Government offices were to be generally reduced, the State would lose the services of some of its best men; they would be bought away by the superior rewards granted in private establishments, and the change would prove an irreparable injury to the public service. He now only wished to refer to one matter, to which frequent reference had been made in the discussion of this subject—he alluded to the great increase of salaries in recent years. The hon. Member for Birmingham desired a return, not very easily made, but he did ask for a return of salaries in the years 1780 and 1790. The hon. Gentleman was anxious to reduce the present salaries, on the ground that they had been fixed during a period of depreciated currency. He must, however, remember that those were periods before the change of the currency, which took place in 1797, when the Bank restrictions were imposed. In 1780 and 1790 persons in the employment of the Government were paid in an undepreciated currency; but, in truth, it would not be possible to establish any fair comparison between the years 1780, 1790, and the present time, for in those days persons in the employment of Government were paid largely by fees, and their emoluments could not at all be said to be represented by their salaries. He happened to hold in his hand, and it was not often that one was enabled by accident to supply such an instance—he held in his hand a statement respecting Mr. Richard Bromley, who held office between the years 1763 and 1784, which, with the permission of the House he would read:—

> "Mr. Richard Bromley served as chief clerk in the office for stores in the Navy Office from 1763 to 1784, when he only received a salary of 100*l.* a year; but upon reference to the evidence given before a Committee on Fees it would be seen that Mr. Bromley received about 2,000*l.* a year in fees, making a total annual income of more than 2,100*l.* a year. It appeared that in 1817, many years after fees were abolished, a salary of 740*l.* a year was fixed for the office formerly filled by Mr. Bromley. In the estimates for the year 1849–50, the scale of salary provided for the chief clerk of the Store Office, the same as that filled originally by Mr. Bromley, commenced at 500*l.* a year, and progressed by an annual rise of 20*l.* to 650*l.* a year as the maximum."

So that from a mere comparison of the scale of salaries then and now there would appear to be a considerable increase, whilst, in fact, there had been a great reduction. If hon. Gentlemen would refer to the return of salaries under 1,000*l.* a year in 1830, they would find the extent to which pluralities then prevailed; persons holding several offices of small amount, whereby their emoluments were greatly increased. The greater part of that system had been put an end to in one way or another, so that a careful comparison of that period with the present would give a fair criterion of the reduction that had taken place. But if they enforced upon every man the due performance of his duty to the public, and took care that his duties were such as to occupy his time fully, they would have effected a reduction far greater and more real than that which would appear from the face of any return that could be made. And he would press upon the House that it would only have the effect of unsettling the minds of a class of public servants, with whom they ought to deal more carefully, if they were to entertain the question of that further general reduction of salaries which had been suggested by the Motion of the hon. Gentleman. He saw by a report in a foreign publication that a return had been moved for of the names, &c., of all the persons employed under Government in France, and that it had been refused because it was estimated that it would require about twenty-four volumes to contain it. The amount of salaries was not given. But the number was returned, and from that it appeared that no less than 235,000 persons were employed by the public in France. Now, he had no returns from which he could state the returns precisely; but the nearest approximation he could make was that, exclusive of persons locally employed, about 50,000 individuals were employed by the Government of this country. He believed there was no other country in the world where so small a number was employed in the public service as in this. He was aware that the House of Commons would be disposed to accept with great caution the testimony of persons holding offices; but he hoped hon. Gentlemen would give him credit for stating it to be his perfect conviction that the permanent servants of the public were, taking them throughout, by no means an overpaid body of men. He had already mentioned that in certain instances public servants had been induced to leave and go into private employment, because better pay had been offered to them. He knew that the public service could not, of course, bid against private individuals in ordinary cases. But good men, valuable public servants, might be prevented from leaving if they thought that their positions were secure—if they felt that the whole reward of a life of service were not liable to be suddenly diminished. There were a great many meritorious public servants, first-rate men, whose places could not easily be supplied. It would not be well to give them cause to be dissatisfied with their position. And, speaking from his own experience, he did think that anything that would discourage the exertions of those men, would be a fatal injury to the public service. He had always thought that the public had a full right to the undivided energy of the public servants, and he had never spared either them or himself; but he well knew that if they had good servants they should make them willing and faithful by the manner in which they were treated, and not discourage them. He fully believed that the effect of such a Motion as the present would be to discourage them; and he said, Pay them well, and the work would be better done than if they were made so discontented that they would give only lip and not heart service. That he believed to be the sound principle on which all private establishments acted. He did not wish to express any opinion contrary to the general principle laid down in the Motion of the hon. Gentleman, namely, that the just and adequate reduction of salaries in all the public departments should be effected, due regard being had to the efficient performance of the several duties. That was the opinion which he himself held, and which was held by every Member of the Government. It was the opinion upon which they had been hitherto and were now acting, and upon which they should continue to act. He should therefore not ask the House to negative the Motion; he would merely ask them to pass to the other business of the day. If the Motion were meant as a vote of censure, it was undeserved; and as it embodied an opinion upon which they (the Government) were acting, and which they were not disposed to set at nought, he should content himself with moving the previous question.

Whereupon Previous Question proposed, "That that Question be now put."

COLONEL SIBTHORP expressed his opinion that the Motion of the hon. Gentleman the Member for Oxfordshire did not amount to a vote of censure on the Government. But what if it did? He (Colonel Sibthorp) did not care a farthing whether the Government considered it in that light or not. It was clear, from the speech of the Chancellor of the Exchequer, that there were to be neither reductions nor remissions of salaries. He never expected anything of the sort from the right hon. Gentleman. Neither did he expect anything from the Committee of the noble Lord opposite, then sitting upstairs. The scheme of the Committee and the plan of now moving the previous question, both of which were tantamount to saying there should be no revision and no reduction of salaries, were only two ways of throwing both questions overboard. The Chancellor of the Exchequer had drawn a comparison between the affairs of this great country and those of the Great Western Railway Company. Humbug! There was no analogy between the cases—not the least in the world. He had never held a railway share in his life—and did not care a straw about the situation in which the Great Western Company had got itself, except that he regretted the circumstance that the fair salaries of deserving and indefatigable servants had been cut down. And why? Why, because they were disappointed at not receiving the 15 per cent upon their capital which they expected, and so they tried to reduce their expenses as much as possible. A great deal had been said of the reductions which had taken place, and of the clerks which had been removed; but what did such paltry reductions amount to when the salaries of the highest officers in the State—men who passed their days in idleness, and whose lamentable ignorance incapacitated them for business—were untouched. He believed in his soul that the sloth and ignorance of Her Majesty's Ministers were so great that if it were not for the exertions of the deserving clerks, the public business would never go on. It was on the Treasury bench that reform was required. But, after all, such Motions as that of his hon. Friend did some good. It did a great deal of good to stir these people up. There was the grossest job that ever existed, the Comptrollership of the Exchequer, a nice fat place for the noble Lord who enjoyed the ease and the emoluments of the office —some 2,000*l.* a year. He had tried to get that gross job abolished. He had not succeeded, to be sure. He was refused, of course; but he would try again. [*Laughter.*] Aye, he would. And he would tell the House that, even although he had not succeeded with his Motion, he had done some good. The noble Lord had never been in his office until that Motion had been made. But he was often there now. He (Colonel Sibthorp) had made a Motion about the expenses of the Palace, for which he had been attacked by a portion of the press. He did not complain of that; for he thought they would not do their business so well if the press did not now and then have a touch at them. But he would tell them that the fear of his Motion, and the fear of such Motions, acted as a check upon the extravagance about the palaces and about other departments. But they had heard nothing about the reduction of the Chancellor of the Exchequer's salary, nor about the reduction of other high salaries, although the Government told them of the people being able to live 40 or 50 per cent cheaper than they used to do. In former times a Chancellor of the Exchequer could not stir abroad unless in a chaise drawn by four horses; but now the hon. Gentleman opposite might travel in the third class, like any other passenger, and no one would be a bit the wiser. Now, with respect to the distressed needlewomen, and the process of expatriation that had been recently adopted in their regard, he disapproved altogether of making those women marketable commodities for sale and barter. Plenty of work might be found for them at home, at remunerative prices, but for the vile system of importing into this country the cheap and nasty goods of the foreigner, and thus encouraging him to send his rubbish and embroidery, to the damage of our deserving artisans. It was to the free-trade system that we owed so much of the poverty which our countrymen and women were labouring under. Then, again, with regard to the forthcoming nonsensical display, termed the "Exhibition of 1851," he considered it his duty to warn all persons with whom he had any influence not to go near it: nothing good could come of it. He had lately visited the place where he resided for the most part, and he had told the people not to go to London during the year 1851; because the exhibition of 1851 was a humbug, the only object of which would be to encourage the foreigner to send his cheap and nasty goods where they were not wanted. He availed himself of the opportunity to exhibit to his friends a specimen of the foreigner's skill—so he put in his pocket a decanter. [*Laughter.*] Yes, a decanter—an engraved decanter, and the price of the imposition was sixpence. Now, he asked, how was a man in this country, who was accustomed to eat roast beef and drink strong ale, after the manner of a Christian, to compete with those nasty foreigners who lived on brown bread and sour krout, and who manufactured decanters at sixpence a piece? He declared it was too bad that the industrious mechanic and indefatigable labourer, who was unable to get a fair day's wages for a fair day's work, should be compelled to contribute to fatten the set of idle fellows on the Treasury bench, that they might wallow in turtle and champagne. He did not anticipate that any reduction of salaries would take place—there were too many persons interested in keeping up salaries to hope that the House would carry his hon. Friend's Motion. The other night he (Colonel Sibthorp) had an unpleasant duty to discharge, when he submitted a Motion for reducing the number of Lords of the Admiralty by two. But private considerations must always give way to public duties, and this had induced him to persevere. The right hon. Gentleman had talked of the arduous duties of public officers. In reply, he would say, whenever a vacancy occurred there were always twenty candidates at least to step in to fill the vacancy. With respect to reductions, he did not dispute that some had been made; but, looking at the times in which we now lived, he contended that a great many more reductions were practicable. If not, where was the necessity for the Committee upstairs? The hon. Member for Oxfordshire deserved the thanks of the country for the able manner in which he had brought forward the subject. He hoped he would continue to agitate it. If he possessed his hon. Friend's eloquence, he should take the same course. As far as he could he did so, firing a shot and raking the Government fore and aft. Much might be done by perseverance—

"Gutta cavat lapidem
Non vi sed sæpe cadendo."

He did not, however, think that much impression could be made upon the stony hearts of hon. Gentlemen on the Treasury bench. A dissolution of Government would be the effectual cure. Let there be a dissolution, and then they would see who would come in and who would go out and never come in again. They might then have an honest, upright, independent Ministry, and an independent House of Commons, for they had seen quite enough of free trade. The only way to restore this country to her former greatness—to make her the envy and terror of surrounding nations, and a refuge and asylum for all who might be oppressed elsewhere, was to stimulate the honest and unreserved expression of opinion on the part of hon. Gentlemen.

MR. NEWDEGATE said, the lucid and comprehensive statement made by his hon. Friend the Member for Oxfordshire formed a striking contrast to the somewhat captious speech of the Chancellor of the Exchequer. His hon. Friend had brought forward this Motion for no party purpose, with no purpose of censuring the Ministry. But so determined was the Chancellor of the Exchequer that the House should not venture to express an opinion favourable to the course which he declared the Government was pursuing, that he represented the Motion of his hon. Friend, which would thus invite an expression of opinion, as an attack and censure upon the Government. The Chancellor of the Exchequer had compared the emoluments allowed to their *employés* by the St. Katherine's Dock Company, and to the Bank of England, as affording a criterion of the several salaries which should be allowed to the public servants of this country; but there was no analogy, or scarcely any, between these private companies and the public service in its various ramifications. He had also declared that the imprudence of the Great Western Railway, in making an inconsiderate reduction of salaries, should be a warning to the House of Commons; of course, inferring that the House of Commons was unfit for the discharge of its peculiar duty and function—that of examining into and controlling the taxation and expenditure of the country. Would the House sanction this inference by rejecting the Motion of his hon. Friend? He (Mr. Newdegate) hoped the House would not. The right hon. Gentleman dwelt on the injustice contemplated by his hon. Friend. But his Friend contemplated no injustice. What his Motion purported was, "We have arrived at an epoch in the internal history and social condition of this country, owing to the great alteration in the value of all its products, which justifies a revision of the salaries paid to its public servants; on the ground, not only of the diminished cost of all articles of consumption, but of the generally diminished rate of remuneration for work done." If any injustice had been committed, it had been committed by the right hon. Gentleman in making such an unwarrantable charge. The proceeding of his hon. Friend was neither unprecedented nor unjust. On the contrary, it was an act of justice to the people to adopt the greatest possible economy consistent with the due discharge of the public service; nor was it unprecedented. He would not allude to the period of 1793, which had been carefully selected by the right hon. Gentleman, as being anterior to the general change which had taken place in the payment alloted to the public servants, by their payment in fixed salaries instead of fees. That beneficial reform had been adopted by Mr. Pitt; but he (Mr. Newdegate) would cite subsequent periods when those salaries, expressly on the ground that the cost of living had been enhanced—that the price of all articles of consumption had so increased as to render the remuneration then received insufficient, had been increased. He held in his hand an extract from a return made to the Treasury in 1801 of the increase made in the wages of all the artisans employed in the Ordnance expressly on the ground of the rise of prices. The return was an

> "Account showing what increase or diminution has taken place in the number and amount of salaries, emoluments, and expenses of the Office of Ordnance in the year 1800. * * * Increase of allowances—Gratuities, in consideration of the high price of provisions, to established clerks, whose incomes do not exceed 80*l.* per annum, 10*l.* per annum each; to assistant and extra clerks of three years' service and upwards, 8*l.* per annum each; and of one year's service, and under three, of 6*l.* per annum each; also of one day's pay per week to the foremen, artificers, and labourers on establishments in Great Britain—Increase 927*l.* 13*s.* 5*d.*"

That report and proposition were sanctioned by Mr. Pitt; and there was one remarkable circumstance connected with the increase then sanctioned. It was proposed to increase the salary of Mr. Rose, one of the chief officers of the Crown, but he declined the increase on the ground that he received sufficient emolument from other employments. This was long since; but the fact should not be overlooked, that the Crown was once served by men who would not accept salaries larger than they thought an adequate remuneration, and such as the condition of the country justified. The next document to which he would advert was a memorial from the Excise Office in Edinburgh, regarding the rise in the price of provisions in 1810, and praying for an increase of salary. They said—

> "The last augmentation to the commissioner's salary was made in 1802, when their Lordships were pleased to raise it to 800*l.* Since that period the price of almost every article of consumption has been rapidly advancing, and the small augmentation bears no adequate proportion to the progressive enhancement of the price of every article of consumption."

In 1812 there was a memorial of the Commissioners of Excise, in which they said—

> "It is well known that the value of income has been most materially depreciated since the last augmentation took place, in consequence of the increased and increasing price of every article of necessary consumption."

In 1815 there was a memorial from all the boards of revenue, praying for an increase of salaries, and in which memorial he found the following passage:—

> "Adverting to what we have formerly had the honour of addressing to your Lordships in our memorials of the 14th March, 1810, and 18th October, 1812, we should only consider it as trifling with your Lordships' time were we again to enter upon the increase of prices in all necessaries of life, and the depreciation in the value of money, as an unanswerable argument to justify the necessity of an augmented expenditure."

The following was the reply of the Treasury, dated February 9, 1816:—

> "A careful examination of the revenue and charges in the custom and excise departments both in England and Scotland during the last ten years, entitle those commissioners to this commendation of their public labours, and as a mark of their Lordships' high approbation of their past services, under the discouragement of repeated postponements of their applications to increase their salaries, on the *just grounds* they repeatedly specified in their memorials. * * * The Lords are of opinion that it is just and reasonable to increase the salaries.
>
> (Signed) "LIVERPOOL."

Attached to that paper was the scale upon which the salaries had been increased. He had quoted these documents because he considered them very important. There was no doubt that subsequent to the passing of the Bank Restriction Act, and when we were enjoying effectual protection against foreign imports, which were also greatly enhanced in value by the risk of importation during a period of general war, that the prices of provisions and other articles of consumption rose very greatly. At that epoch the Government of the day thought proper to reconsider the condition of the public servants, and raised their salaries to meet their necessarily increased expenditure; and the public servants showed their sense of the justice due to them by the repeated applications which they had made. Now, if we had reached an epoch equally remarkable, from a fall of prices—if we had embarked in a course of policy which must secure a low rate of price—if we believed in the certainty of the prevalence of that low rate of prices of the articles of consumption for the future, then, he said, the epoch had arrived when, in justice to their constituents and the country, the House was bound to act on the precedents established by the Government between the years 1810 and 1816, of accommodating the remuneration of the public servants to the altered circumstances of the country. His hon. Friend had adverted to the fall of prices; and no one could deny that such a fall had taken place, and the few bold predictions of rise in prices that had been ventured met with no credence. And although the Chancellor of the Exchequer might be pleased to cite the case of the democratic body composing the Marylebone vestry, for the purpose of showing that they were paying a large price for oatmeal; no one who understood the management of a pack of hounds would place any confidence in such a statement, because the fall in the price of oatmeal had been enormous. His hon. Friend the Member for Oxfordshire had proved a reduction in the price of meal to the extent of 17 per cent. The reduction in the price of flour was 20 per cent in London, and of that and other articles still greater in the country districts, however the price of bread might be kept up by the London bakers; and although the Marylebone vestry might contrive to pay the old prices at the workhouse, instead of the new, no one would believe that a general reduction had not taken place. His hon. Friend had alluded to the ill-remunerated condition of the persons engaged in haberdashery and millinery, and to the privations they endured. And what said the Chancellor of the Exchequer? He said, to be sure, "there is a reduction of price of their products and in their wages, in consequence of the machinery which had been brought into operation;" but the right hon. Gentleman ought not to forget that this competition by machinery had greatly affected wages, and formed a serious aggravation of the pressure from the foreign competition which was produced by the refusal of protection. And when he (Mr. Newdegate) heard of the large sum which the right hon. Member for South Wiltshire and his friends had contributed to facilitate the emigration of the unfortunate persons employed in millinery, he could not help thinking that, large as those contributions might be, the right hon. Gentleman's vote against the reduction of the duty on articles of millinery last Session by the Customs Act, had he given it, when he (Mr. Newdegate) stood up almost alone to oppose that reduction, might have been worth more to the milliners than any such assistance as he had not attempted to afford them. His hon. Friend the Member for Oxfordshire had adverted to another important subject—the change in the value of money. The comparative effect of the reduction of the price of produce on a fixed income, say of 100*l.*, was much greater than was generally supposed. Suppose 100*l.* would have purchased 100 sacks of wheat before a reduction in price of 25 per cent, that reduction would require the farmer, in order to realise 100*l.*, to sell not 25 additional sacks, but 33. The reduction operated to the advantage of the owner of fixed income, and increased the burden of paying it to the productive classes, not according to the percentage of the reduction upon the article, but in a greater ratio. The reduction of price of 25 per cent was in fact a gain to the possessor of a fixed salary of one-third instead of one-fourth. His hon. Friend had adverted to the low rate of interest. Now, a great delusion prevailed on that subject. It is said, "Money is cheap—the rate of interest is low. How can you complain of distress?" Now, why was the rate of interest low? It was owing to the fluctuation and uncertainty which had been introduced into the trade and the value of the products of this country by our commercial and monetary regulations. Capitalists would not incur the risk of investing money in the means of production, and thus expose themselves to the fluctuation which necessarily took place. They glutted the money market with capital in order to secure it from these risks. Abundance of money at short dates was no proof of the prosperity of trade, but it was a proof of the want of confidence on the part of commercial men, who would rather accept 1 or 2 per cent on bills at sight, than undertake investments which these bills represented. Although he had on a former occasion adverted to the reduction of the price of consumable articles, he would just trouble the House with one or two remarks. Comparing the official value as the test of quantity, and the declared value as the test of the money received, he found that the value of our exported articles, making allowances for the depreciation of the currency, in the four years ending 1818, was only 3¾ per cent, as ascertained by the test he had alluded to; but in the four years ending 1848 the depreciation amounted to no less than 56½ per cent according to the declared value, and 70 per cent according to the market value on all articles exported, and 23 per cent since 1830. Then with regard to the price of corn. The reduction in the price of wheat was now 40 per cent since 1818; the average price for the four years ending at that time was, of our present money, 71*s.*; and the average price for the last fifteen months but 40*s.* The fall in the price of wheat when the average price of the last fifteen months was compared with the average of the four years ending 1848, was no less than 30 per cent. His hon. Friend had shown that the Government could deal with the largest item of our national expenditure except the national debt, because he had shown that the salaries of the services comprehended in the list given exceeded the expenditure of the Army or Navy. And when the hon. Member for the West Riding next addressed any assembly out of the House, he trusted he would not again endeavour to impose upon their credulity by telling them there is no margin on which economy can be practised without reducing the defences of the country. The Government had now the opportunity of dealing with the sum of 7,500,000*l.*, which was devoted to the salaries of those employed in the public service. And let it be remembered that this sum consisted of salaries received entirely by residents in this country, who derived the whole of the benefits which had arisen from the reduction of prices; whereas the soldiers, sailors, and embassies abroad, gained no advantage. He would now leave it to the country to decide who were the practical economists: his hon. Friend, who had last Session brought forward a Motion recommending that a percentage reduction equal to half the advantage which the possessors of fixed salaries had gained by the reduction of prices, should be adopted; and now urged a similar reduction, modified by the present Motion according to the labour performed: or those who, like the hon. Member for the West Riding, proposed to revert to a fixed sum, the revenue of a year long past, without consideration of the necessities of the case, and unjustified because unadapted to the altered circumstances. It was the difference between a party who adopted retrenchment as to the expenditure of 1835, as the shibboleth of a movement, in order to form the nucleus for an agitation, and those who simply sought economy as an act of justice. The hon. Member for the West Riding and his followers used economy as a plea only, under which they purposed ulterior changes, and as an excuse for introducing to the House Motions, for which the good sense of hon. Members would not allow them to vote, and then for holding up to the anger of ignorant and inflated mobs the very persons who were now proving themselves the real advocates of economy: that was the difference in practice between his hon. Friend and the hon. Member for the West Riding. His hon. Friend proposed, in a statesmanlike, a practical, and reasonable manner, to relieve the people of this country from taxation to which he thought they ought not to be subjected under the altered circumstances of the country: the hon. Member for the West Riding used economy merely as a plea for the foundation of an agitation which he hoped he might hereafter turn to account.

Mr. HUME wished, before the House divided, to state very briefly the ground on which he should give his vote on this occasion. The Chancellor of the Exchequer said he was at a loss to know the object of the hon. Member who had brought forward this Motion. The conduct of the Government, in having made large reduction, was an indication of their desire to proceed in the very direction intimated by the hon. Member; and therefore, if the House acceded to the Motion, it would amount to a vote of censure on the Administration. He (Mr. Hume) was not at all disposed to agree with the right hon. the Chancellor of the Exchequer in that view. If the present Motion amounted to a vote of censure on the Administration, so also would the noble Lord's Motion for inquiring into the salaries of public servants. The noble Lord's Motion was only a partial one, but still it was a step in the right direction. His Motion was to inquire into the salaries and offices held during the pleasure of the Crown by Members of either House of Parliament, voted in the annual estimates, and also the salaries of officers engaged in law or equity, with the retiring pensions of Judges and those of the diplomatic establishments. The noble Lord must be well aware that, as it was in the power of the Crown to remove most functionaries, no inquiry was necessary; 160,000*l.* was put down for the dipomatic establishments. He believed more than one-half of that sum might be cut off with perfect safety—indeed with utility. We did not require so many diplomatic agents. We had gone on very well with Spain since our ambassador left that Court. We only required ambassadors in the four principal States in Europe. He would advise the noble Lord to adopt the present Motion. He was not one who thought much reduction could be made in the salaries of the working clerks; but he thought a great reduction might be made in their numbers, and that additional utility might be given to their labours by prescribing better hours of attendance. The Chancellor of the Exchequer said he had not found, when he wanted a clever, talented man, any great stock of such in the different departments; but he did not tell the House to what extent he found the department stocked with useless men. If the Government wished to have really good and useful men appointed as officers in the public service, and to get rid of the annoyance and the evil of being pestered with applications made on political grounds, they would appoint a board to examine all candidates, and to ascertain their qualifications for the particular offices they wished to fill. Until some such mode could be adopted they would never have the country freed from a great many useless persons who could not possibly, from their previous pursuits, be fit for the situations they held. Did the noble Lord suppose that the country would be satisfied to rest with the inquiry which had already been proposed? After that inquiry had terminated, the Chancellor of the Exchequer ought to propose a further inquiry, in order that there might be a complete revision of all the establishments. But after the speech of the right hon. Gentleman, he (Mr. Hume) could not expect any further revision being made. [Lord J. Russell: It is going on now.] He was well aware that several departments made large and proper reductions; but did not the noble Lord know that, whilst with one hand they had been reducing certain departments, with the other hand they had been raising up new establishments? The Tithe Board and the Railway Board, both of which were established to meet emergencies, required curtailment. Before long, he should place resolutions on the table of the House, to show the difference between effective and non-effective establishments, with the view of suggesting permanent remedies of economy, but not those hot and cold fits of economy which had been so prevalent heretofore. He thought we required such a revision as was now proposed, and that the Government could not consistently oppose the proposition. The object of the Motion was to inquire into the number of officers, the duty to be done, and the salaries to be paid. That was a very proper Motion. In 1828 a Finance Committee was appointed to make a similar inquiry, but that Committee were cut short in their labours. He believed, however, that the subject of inquiry was a very proper one. He should vote for the Motion, but not for the purpose of throwing out any imputation against the noble Lord at the head of the Government. If he supported this Motion, he would be acting quite in accordance with the expectations which his known character had raised in the public mind. About fifteen years ago, attempts were made to abolish the sinecure offices at the disposal of the Government, but he regretted to say that they still existed. The House had several times voted that the public accounts should be presented to the House in such a shape that the debtor and creditor items could be seen at once and without difficulty; but the Government had failed to comply with the wishes of the House thus unmistakeably expressed. The Government professed their great desire to effect a wise reduction in the public expenditure, and yet they refused to the House any opportunity of seeing at one view their financial doings. He was very sorry that the Government had determined to oppose this Motion, for it would now go forth to the country that there was no desire on the part of the Government to make any reductions in the public expenditure. In his opinion the hon. Gentleman who had brought forward this Motion had proposed a very wise course, for he proposed, not that a Committee of that House, but that commissioners to be appointed by Her Majesty should inquire into this subject. And in so doing he followed the example set by the noble Lord at the head of the Government, who, as soon as his colleagues came into office in 1830, made a similar proposition with regard to the salaries of the heads of offices. He (Mr. Hume) sat as a Member of the body appointed to inquire into that subject, and the result was very beneficial to the country, for the whole question went under review, and many items of expenditure were recommended to be reduced. And could it be supposed that the proposed inquiry would not have a similarly good result? The parish of Marylebone had been brought forward as an example of economy in its expenditure. He had lately wasted three Saturdays in attending as a member of the vestry of that parish, and he was utterly ashamed of the extravagance that was exhibited in the management of its affairs. Its expenditure as compared with that of fifteen other parishes was most extravagant. It was said that there was rather too much nepotism on the part of the present Government; whether that were so or not he could not tell. He did not think any set of men, whether Protectionists, Tories. Whigs, or Radicals, could keep themselves entirely free from that imputation. They were all guilty of abuses which in the process of time had crept into the system of government; and the object of the present Motion was to correct those abuses, without doing injustice to any man, or in the least degree impairing the public service. What objection could there be in assenting to the Motion? Why, when professing economy from January to November, should they in December reject it because the proposition came from an opposite quarter? If the noble Lord were guilty of any weakness, it was in not being determined to carry out his own policy. If he had adopted this Motion he would have met with no opposition in the House, while he would have gained the approbation of the public at large. The heads of the Excise department deserved great credit for the reductions they had effected; and the Customs were now under consideration. If good had arisen from these partial revisions, was it to be supposed that no benefit was to be derived from a general review of the public establishments? Taking the revenue at 56,000,000*l.*, half of it, he admitted, could not be touched, but there was not one item of the other 28,000,000*l.* which might not be dealt with, except the civil list; and he was not quite sure, considering the changes that had taken place, that even the civil list ought to be left untouched. If it should appear necessary to effect a general reduction in the public expenditure, he was perfectly satisfied that the last person who would object to it would be Her Majesty herself. The readiness with which Her Majesty came forward and submitted to pay the income tax ought never to be forgotten. It was a voluntary act on Her part; and, in the same manner, without meaning anything invidious, he was confident that if it were deemed necessary to have a general reduction in order to afford relief to the country, there would not be any difficulty in that quarter. He hoped this Motion would not be considered one that ought to be in any degree affected by party feeling. It was a Motion which the interests of the country required should be adopted; and the adoption of which would not be casting the least reflection on Her Majesty's Ministers. He therefore hoped the House would assent to the proposition of the hon. Member, and thereby show to the people at large that they were honestly endeavouring to enforce upon the Government a system of economy, retrenchment, and reform.

Mr. ROEBUCK said, he was also anxious, before the House went to a division, to explain the principle upon which he intended to vote. He intended to vote for this Motion, thinking it most useful—a Motion almost without meaning—nevertheless he intended to vote for it; and he believed the noble Lord and the Chancellor of the Exchequer, who, he understood, had moved the previous question upon it, would have done the Motion far more injury if they had dealt with it as he intended to deal with it—accepted it as a Motion brought forward for a purpose, and a meaning not in its words, but in its intent. The proposition which was before the House did not effect what the hon. Gentleman who moved it intended; but he would gain the popularity of being an economist by moving a mere truism, and the noble Lord at the head of the Government would, as he had said, have done it far more injury if he had accepted it at once, and said, "I take the proposition you move, because I cannot deny that it is true, for it is a truism; but you must have known, when you moved it, that you were occupying the time of the public utterly uselessly—that you had no object but to cast odium and to obtain popularity, and I will deprive you of what you wish to obtain." Now, let them understand what the proposition was, because he liked to deal with Gentlemen with this new-born desire for economy. The proposition was, "That an humble address be presented to Her Majesty, humbly to request that She would be graciously pleased to direct that a careful revision be made of the salaries and wages paid in every department of the public service, with a view to a just and adequate reduction thereof." Now, one would fancy, if it had stopped there, that there might have been some pointing at reductions; but oh! no, they must have guarding clauses, "due regard being had to the efficient performance of the several duties." Did anybody suppose that any Minister of the Crown—he did not care how extravagant he might have been—would not have immediately asserted that that was precisely the rule upon which he always acted? The noble Lord might have accepted the proposition without the slightest difficulty, and not be one whit coerced by the desire of economy. Who were the persons whose salaries they desired, on the present occasion, to revise? He agreed with his hon. Friend that there might be reason for inquiry whether or not more persons were engaged than were necessary for the public service. That might as well be instituted on the present occasion; but there was a great farce being played before the public by this Motion, of the extent of the expense of these public servants. Let them understand the case fairly. He was not for beginning with the hardworking men. He could put his finger—the hon. Member for Marylebone had that evening put his finger on a very remarkable item — he hoped they would have the support of these great economists when they came to touch the sinecures of the Church. He had a paper before him, and a very curious one too. It took 11 establishments in the public service. He would begin with the highest—the Treasury. At the present moment there were 37 persons employed there. Taking the average of the persons introduced into the Treasury, the age at which they went in was 20 years. Now, when they considered what the exigencies of the public service were, any man who ever dealt with business must know that there was a great deal to be learnt in the mere business of office, however instructed a man might be when he began that office. If he took a man who had attained the highest honours at either university, or who had been the most educated in any other place, either commercial or otherwise, place him in a public office, and he would be exactly as if he were placed in the office of a pleader—he would be wholly unused to business, and must begin, as it were, as a child—he would be a learner in the public service, a student, as it were, for the purposes of the public, beginning at 20 years of age. At what salary would he begin? He would begin, a gentleman admitted to the business required of persons in the Treasury, with a salary of 90*l*. a year; and he must be there two years before there was any rise of that salary. There were four classes in the Treasury. The first class rose from 90*l*. to 200*l*. a year; but a person, on the average of years, must have attained the age of 33 years before he could have reached 200*l*. a year. He then began the second class, and that was 300*l*. a year, and he might reach in that class 500*l*. a year; but by that time he had also reached the age of 50 years. Let the House recollect they were dealing with men who conducted the business of this country, and the question before the House of Commons at the present time was, whether those gentlemen, for they were gentlemen, were paid by the people of England in a way to call down upon them the imputation of living on those people without rendering an adequate return. Then came the third class, from 600*l*. to 800*l*. a year, and the last class was 1,000*l*. a year; but, on the ordinary average of life, when a person attained that salary he must be 59 years of age. He had taken the highest of the public offices, and a man, before he could attain 1,000*l*. a year, must be 59 years old. He was not talking of politics or the influence brought to bear in the House of Commons—he was talking of the working man, for whom he felt a great deal of sympathy; and, as he had said, a man on the ordinary average, going through the regular routine of office, must be 59 years of age before he got 1,000*l*. a year. He appealed to the House of Commons—looking to the habits of this country, and they must look to those habits —looking to all the exigencies a man must go through before he could fit himself for office—looking to the station he must hold in this great town, to meet others in the position of gentlemen, in the position of life in which he was, to be beyond the ordinary temptations of life, was it to be said that in the highest office of the working people of the State of this country a man must be 60 years old before he could attain to 1,000*l*. a year, and that that should be considered overpaying in a hardworking service? Would any one say that a lawyer in business might be deemed overpaid, if, when he began his life, he hoped at 60 to attain 1,000*l*. a year? and let them recollect it was amongst all the doubts and difficulties that surrounded a man in that position from day to day, from hour to hour; his family dependent on his life, on his strength, on his being able to perform the duties of his office. When they came to deal with these things, it was but fair they should consider the ordinary exigencies of society, and all that surrounded and was about them. Should it be said that the State only should be niggard, when in the business of life — ay, he would take an instance directly — in mercantile life men were better paid? [*A cry of* "Oh!"] He hoped the hon. Gentleman who was behind him and cried "Oh!" would tell him no; he hoped the hon. Gentleman would not tell them that he paid his servants worse; but he would take some instances. Suppose he took the Bank of England. He found the cashier of the Bank had 1,400*l*. a year with a residence; the assistant cashier had 1,000*l*. a year; the accountant, 1,200*l*. a year; the assistant accountant, 900*l*. He went to the East India House, and he found the same thing.

There was no niggardness in that House as to the payment of their servants; but what there was in that House was what he would not answer for in the State — that they rendered service for their money. They were well paid, and they worked well; they were fit for their office, and they were not underpaid if they rendered service for what they received. He now applied himself to the Government. Making all those admissions, saying that every one should be well paid for the service he rendered, he asked the noble Lord on this occasion, would it not be wise to disabuse the public mind, to have a full and complete inquiry, not for the purpose of casting a slur on the Government, for the Government could not be impeached on this occasion? They were not in the position of other Governments, for there had been no opportunities like the present for many years. No Government had been pressed as the present Government had been with a desire of economy—not that there had not been Oppositions, as the noble Lord must know, who had been advocates of economy. [*A laugh.*] He did not mean that; but the peculiarity was this, that by the alteration in our commercial policy that protection which was given to the landed interest had been taken away, and Gentlemen on that (the Opposition) side of the House had been suddenly smitten with an exceeding love of economy. [Mr. LAW: Reciprocity.] Reciprocity—the hon. and learned Gentleman was right. They were smitten with a new-born zeal now that they found—and he was delighted they did find—there was no longer protection for them, and they very honestly said there should be no protection for any one else; and the people of England was the gainer. He acknowledged it; and now let them try it. He had no objection to try it; and in no case should he be so willing to try it as in that of those whom he called the hardworking men in our public offices. Men in the highest stations were of necessity always pointed at. Gentlemen on the Ministerial side at the heads of offices received what he called large salaries. He might be professing an opinion exceedingly unpopular; he had professed it elsewhere; he did not think they were overpaid. He had heard it stated that the heads of his own profession were overpaid. He at once boldly said, he did not think they were. If, then the heads of that profession were not overpaid, and the heads of the Government were not overpaid, and the subordinates were not overpaid, where was the overpayment? It could only be in the number of persons employed, and he was sure the noble Lord would do well to allow the inquiry, to show that the numbers were not over what they ought to be; for if it could be proved that they were over what they ought to be, the noble Lord would be the first to be benefited by the reduction. He could not suppose the Government having any interest whatever against the interest of the country. Let the noble Lord, therefore, adopt the proposition of the hon. Gentleman. Let him take it as it stood. Where was the harm that would result from it? When his hon. Friend the Member for Montrose and he could go out into the lobby with the hon. Member for Oxfordshire, they were not going out in opposition to the Ministry, but simply for the purpose of testing the question whether or not the services of the State were performed at an expense which the State ought not to pay; and, if they were, he was sure no person would be, or ought to be, more ready than the head of the Government to keep down that expense. Well, then, why should not an inquiry be made? Why should they have what he always considered a subterfuge—the previous question? The noble Lord, by that, professed that inquiry should be made, but that the time was inconvenient for it. [*Cry of* "No!" *from the Treasury bench.*] The noble Lord must forgive him for reading the orders and forms of the House according to the ordinary mode in which they were taken; and according to the ordinary forms of the House, this question was a most inconvenient question as to time. The noble Lord said, by moving the previous question, "Before I go to the question itself I will ask the House of Commons whether they think this is the proper time for entertaining such a question." That was the meaning of the previous question; and he wanted to know whether there could be a better time to entertain such a question than the present? In what state were they? In a state of various circumstances of transition? A new commercial policy had been instituted; the prices of the necessaries of life had greatly fallen; there was perfect peace; no man could expect anything but acquiescence, perfect, complete, unhesitating, in any determination of that House. Could they conceive a combination of circumstances more fitting for the inquiry than that? and yet the noble Lord said he would interpose the previous question. He could not conceive anything more impolitic. He believed that the people of this country, if they were fairly dealt with, would be most generous in their payments—would treat their well-deserving servants with a generosity that would never be surpassed—that they would come forward to pay and reward most freely if they were only told that the service had been rendered. He did not believe that of the merchants and traders of this country, ay, and the honest working men who got their bread by their labour, there was one who would not aid the noble Lord in a generous disposal of the public money for the service of the State. He, therefore, should oppose the Motion of the noble Lord, by which an evasion would be practised on the House. The people of this country had a right to have this question gone into, and for that reason, and for that only, he would vote for the Motion of the hon. Member for Oxfordshire.

SIR R. PEEL: Sir, I agree in so much of what has been said by the hon. and learned Gentleman who has just spoken, particularly with regard to the services rendered by those who occupy the subordinate places in the chief departments of the State, and the obligations due to them for the fidelity, integrity, and ability with which those services are rendered, that I am surprised at being obliged to arrive at a conclusion different from that at which he has arrived. The reason, I apprehend, of that difference is, that I put a different construction upon the intention of the Motion, and a different construction upon the effect of the Amendment by which it has been met, namely, "the previous question." I do not understand the hon. Gentleman the Member for Oxfordshire to seek for a Parliamentary inquiry into the reduction of salaries. A Parliamentary inquiry has been instituted—of which, I should infer from his speech, that the hon. Gentlemen was not aware—into the salaries of all the chief officers of State—into the salaries of all those who occupy offices in the diplomatic service, and in the judical departments. The hon. Gentleman the Member for Oxfordshire moves a resolution, the object of which, as I said before, is not a Parliamentary inquiry. It would impose upon the Government the performance of a duty enjoined upon them by the resolution of the hon. Gentleman the Member for Buckinghamshire, namely, to undertake the revision of salaries, and to submit to the House their scheme for reduction if they thought reduction possible. The Member for Sheffield says that this Motion is a truism, and therefore ought to be acquiesced in. But I apprehend there may be many truisms moved in the House of Commons that ought not necessarily to be acquiesced in on that account. The whole of our attention would be directed to the discussion of truisms and the adoption of truisms if the doctrine of the hon. and learned Gentleman was correct. The House of Commons ought not to vote truisms unless they are intended to have a practical consequence. The House of Commons ought not to vote a resolution, though it affirm that the truth of which is unquestionable, unless it be justified by some act done, or directed to some object to be attained. This Motion, if it mean anything—and I am certain it is brought forward by the hon. Gentleman who made it with a *bonâ fide* intention—would seem to imply that a great reduction might justly be made in the salaries and wages paid in every department of the public service, and particularly to that class of officers who, the Member for Sheffield thinks, are not at present sufficiently, or at least more than sufficiently, remunerated. It is because I agree with the hon. and learned Gentleman in that opinion that I cannot countenance a delusion by voting for this resolution, which is meant to have a practical result, in direct opposition to such opinion. By voting for "the previous question," I do not negative inquiry. Let every inquiry be made by the authorities fitted to conduct it, namely, the Executive Government. I shall vote for the previous question; but in so voting for it, I do not mean to imply that this is not a time at which a revision should take place and a reduction be made in every department in which it could be effected. I must now refer to that portion of the speech of the hon. Gentleman the Member for Oxfordshire, in which reference is made to a speech delivered by me in the year 1845. The hon. Gentleman is labouring, I think, under an erroneous notion with respect to that speech. If I recollect rightly, in that speech I did not lay down this position, that unless you reduced the great military establishments you could make no effectual reduction in the public expenditure; but I said this, that there was a general impression on the part of the public, that on the whole of the expenditure of this country there was an opportunity of making vast reduction. I said the whole expenditure of 1845 amounted to 48,000,000*l.*; and that a very large portion of that expenditure did not admit of reduction—that you should deduct the whole amount of the interest of the public debt, and the civil list, and other charges, amounting in the whole to nearly 35,000,000*l.* on account of expenses that could not be reduced by the Executive Government, leaving 13,000,000*l.* as the amount of expenditure, including in that sum the great military establishments, which were open to revision and reduction. I did not imply that there could be no reduction in the civil establishments, but I thought it would be countenancing an erroneous expectation to lead the public to think that from the reduction of salaries in the civil offices they would obtain any great relief. The hon. Gentleman has also referred to what I said as to the reduction of the excise duties, particularly the glass and auction duties. He appeared to think that with respect to the extent of the reductions of establishments which thereby would be effected, the promises which I made were not fulfilled. This is not the case. In recommending the reduction of the auction duties and glass duties, I observed that, independent of the advantage to enterprise and to manufacturing skill which would result from the relief from duties, it was also to be considered that it would enable us to make reductions in the excise establishments. Now, if the hon. Gentleman will refer to the returns made in 1846, he will find that every expectation that I held out was entirely fulfilled. In the year 1846, a Motion was made with repect to the extent of the reductions in the excise. It appeared that 450 persons holding office were reduced, and a saving effected of expenses and salaries, amounting to not less than 52,000*l.* in the year 1846—the year after the reduction of the auction and glass duties. If there has been an increase in expenditure of another kind, that does not warrant the hon. Gentleman in saying that the expectations I held out from a reduction of the glass duties were not fulfilled. The selection of those duties for absolute remission, thereby admitting of the reduction of 450 officers of excise, was a tolerable proof that the imputation thrown out of a desire on the part of the Government to maintain establishments for the purposes of patronage, is entirely unfounded. It is as unjust to say that the Army is kept up to find commissions for the sons of the aristocracy, as to assert that the Treasury maintains civil offices on account of the desire for patronage. I am sure there has not been during the last twenty years a First Lord of the Treasury who would not have rejoiced in the reduction of offices, not only on account of the pecuniary saving to the State, but on account of the relief to himself which diminished patronage would afford. If I could charge the Government with any neglect of duty, I would vote for the Motion; but having had some experience in those matters, and having heard of the amount of reduction voluntarily made by the Government, and confiding in their desire to continue the progress of retrenchment, I do not feel justified in casting upon them the censure which the carrying of this Motion would imply. This Motion has no reference to the salaries of the great officers of State, but has reference to those who hold subordinate offices. The Member for Sheffield says that he does not know the persons holding such offices, though his general impressions were in favour of them; but I can confirm, from long personal experience, all he said in praise of those who fill those offices. In considering the services of the gentlemen employed in them, it must be recollected what frequent changes there have been among those who preside over public affairs—the inexperience with which they enter office—their dependence, however active they may be, for a certain time upon the knowledge and experience of the men who fill the chief situations under them. I will take, for example, the case of one whose death has recently closed his career of public services—I allude to the late Mr. Brooksbank. What Gentleman is there who has filled the office of First Lord of the Treasury, or Chancellor of the Exchequer, who does not know the reliance he has been obliged to place for months after his entrance upon his official duties on the experience and knowledge of that gentleman? Review all the offices, and you will find the same necessary dependence. The Member for Oxfordshire says, that the rule with respect to non-official persons has been increased work and diminished pay. Increased work at least is the rule in every public office. Compare the number of papers recorded in the Treasury for the last ten or twenty years, with the number of papers now recorded there, and you will see that the increase of duty is probably fourfold. The hon. Gentleman says, that the clerks in public offices are not required to labour by night. He is wrong; by day and night the services of those who fill subordinate offices, are placed willingly at the disposal of the Government. I ask the noble Lord the Secretary for Foreign Affairs if he cannot confirm the truth of this, and whether at all hours of the night the officers who assist him do not consider their services to be at all times at the disposal of their superiors? [Viscount PALMERSTON: Hear, hear!] The hon. Member for Oxfordshire asks, what is the progression of salaries? The salary which a clerk—a gentleman perhaps by birth—receives on his original appointment rarely exceeds 90*l.* per annum. He is placed in office, and remains two or three years at 90*l.* a year. That sum is insufficient to meet the expenses to which his friends are put, and after a certain period of service he receives perhaps 200*l.* It is not the amount of labour you are to consider in this case, but you are to consider the trust that is reposed in all those gentlemen. The Secretaries of State, or the First Lord of the Treasury, cannot perform their duties without entrusting the secrets of State to men who are in receipt of some 300*l.* or 400*l.* a year; and can you give an instance in which the confidence thus reposed has been violated? It is not, therefore, the amount of duty required of them that is to be considered, but the extent of confidence placed in them. Depend upon it, nothing could be more mischievous to the public service of the country than to reduce the emoluments of these subordinate but most confidential employments, to such an extent as would render the offices untenable by men who, though they may not have the fortunes, have the character and the feelings of gentlemen. I rejoice in the opportunity to bear my testimony to the scrupulous fidelity with which the subordinate officers discharge their duties, and the great ability which many of them have displayed, with whom I came in contact, and the proofs given by them that they were worthy of confidence. You have heard how in other countries the means have existed of obtaining knowledge of State affairs, and how important secrets and documents have become known; but you never heard of a case in which there could be a just imputation cast on the honour of the humblest man employed in our establishments. When I was appointed to the office of First Lord of the Treasury, I was allowed salaries for two private secretaries, not exceeding for each the sum of 300*l.* The gentlemen I employed, were clerks on the establishment of the Treasury—they were as fully cognisant of everything that passed in the administration of public affairs as I was myself. When I left office I left it without the means of marking my sense of their services except by the simple expression of my gratitude. But if they had had 3,000*l.* a year instead of 300*l.*, it is impossible they could have more faithfully and honourably fulfilled their duties. The account I give of them is similar to that which can be given of other persons occupying similar situations in the State. If the Motion of the hon. Gentleman be that there should be a revision of the salaries of those officers, I am bound by considerations of justice to vote against the Motion, which would inflict a wrong upon many men to whom the public are deeply indebted. I do not, however, disagree with the hon. Gentleman in everything he has stated. I think that the price of provisions forms a just element in considering how we should form new establishments. But the lowered price of provisions does not justify the application of reduction to those who have been labouring in the public service for a number of years, and who have been justified in the expectation that the prospects with which they entered the public service should not be clouded. Entertaining that opinion—believing those who fill subordinate offices are fairly entitled to consideration and protection, I readily vote for an Amendment which implies that the sense of the House ought not to be taken on the proposition that has been made by the hon. Gentleman the Member for Oxfordshire.

MR. COBDEN said, he should oppose the Motion of the hon. Member for Oxfordshire, because it contemplated a general reduction of salaries as well as of wages. If he accepted it as contemplating a reduction of wages, then he (Mr. Cobden) was brought in that House to an admission that there ought to be a general reduction of wages throughout the country; for it certainly would be regarded as a war upon wages. When he referred to wages he meant the pay or emolument of the men who were employed weekly and paid for their labour. Now, he objected to an attempt to reduce wages by a vote of that House, because it would be impracticable, and being so, could be regarded as nothing better than nonsense. He also objected to the attempt then made to reduce salaries and wages, because he was opposed to the way in which the question had been urged by hon. Gentlemen on the opposite side of the House. It had been said by hon. Gentlemen opposite that since 1828 and 1829 there had been a reduction in the prices of articles of consumption—such as meat, flour, iron, and woollens, of from twenty to twenty-five per cent; and they then argued from that that there should be a proportionate reduction in the amount of salaries and wages. Now he did not see the necessary consequence of these premises. There might be a reduction in the price of commodities because of the improvements and novel inventions brought into operation in the production of these articles. Iron was cheaper at present, by reason of these improvements and inventions, which economised the means of production. There also had been improvements in the mode of producing corn and cattle—and consequently they were cheaper at present than at the period referred to. A great amount of drainage had been accomplished, and guano had been brought into general use; and having attained these discoveries in science and in the mode of production, he asked why should not the working classes, as well as the other classes in society, share in the benefit of them? The hon. Gentleman the Member for Oxfordshire had spoken as though every class in the community, as well as the hardworking class, had suffered a diminution in their incomes. He denied that. He denied that rents had been reduced—that there had been a general reduction of them; at least, there had been no reduction in the north of England, and he did not anticipate any. Now, as to a reduction in the price of commodities leading to a reduction of wages, he maintained the tendency was quite the other way. He would take the manufacturing operatives of the country as an instance, and assert that during the very process that hon. Gentlemen opposite were complaining of, the reduction in the cost of living, there had been a tendency to advance the wages of those engaged in such pursuits. They heard a great deal in the way of complaints about the distress of the stocking weavers, lace makers, and similar branches in the midland counties. But what was the fact? Why, that there had been strikes repeatedly, and consequent advance of wages to an amount that had not been known for fifty years previously. How, therefore, could hon. Gentlemen come forward and say the country was in such a distressed state that the salaries of the Government clerks and officials should be reduced? They might indeed urge that the wages of the agriculturists had been or would be reduced. They had heretofore been reduced to that state in which the reward of labour was measured by the means of subsistence. They had been reduced to what he should term the slavery state of wages. The state of things in the agricultural districts heretofore was such that the labourer employed received only an amount of wages which, when converted into food, had been merely sufficient for the sustenance of himself and family. When the price of food rose, his wages were increased, to enable him to get food; and, when the price of food fell, his wages were reduced to the level that procured him merely the same amount of food. In the agricultural districts he maintained, notwithstanding that there might have been some reductions in money wages, that the labourer was better off since food had been reduced to a more moderate price than in the year 1847, the boasted year of prosperity. He, therefore, drew a different conclusion from the reduced prices of commodities to that which hon. Gentlemen opposite did; and he should say no argument had been adduced to prove to them that they should pass resolutions calling on the House and Government to proceed to a reduction of wages. He would not confine himself to the men of weekly labour and weekly salary, but would come to the clerks in the Government offices, many of whom were receiving moderate salaries, less, he might say, than skilled artisans were in the habit of receiving. He had in his possession a pamphlet on the subject, which enumerated some 13,000 Government clerks, but of which number only 8,000 had salaries of 100*l.* a year. Now, was it proposed by the resolution of the hon. Member for Oxfordshire that the whole of these clerks should have their salaries reduced? He protested against such, as it would be a most unjust and unbusinesslike conclusion to arrive at, and also as it would be totally impossible to effect it. He joined in the expression of opinion of several hon. Gentlemen that in the case of a large proportion of the servants of Government, the salaries were not high. He joined in the opinion expressed that it would be better to diminish the number of servants than to reduce the salaries of those holding places. But what he objected to was, and it was one reason why he should not vote in favour of the Motion, that the hon. Gentleman, in introducing the Motion, did not advert to the possibility of a reduction in the number of officials, but referred merely to a reduction in salaries; and, at the same time, he did it in such a way as led him (Mr. Cobden) to infer that there should be a sting in the resolutions, and that the Motion should be a retaliation on hon. Members who had succeeded in reducing the price of food. He had listened to the speech of his hon. Friend the Member for Montrose with great satisfaction, because he thought in all he said he was sound and conclusive, yet everything he said went against the resolution of the hon. Gentleman the Member for Oxfordshire. The hon. Gentleman dealt with salaries, and sought to reduce them by the enactment of a sweeping measure. The hon. Gentleman who introduced the Motion, as well as others on his side of the House, who followed him, went out of their way to attack him (Mr. Cobden) for having said that the best way to reduce the expenses of the country was by a reduction of the armament; and they then went on to give an exaggerated statement of what he had really said, as though he had stated that no reduction should be made except in the Army. What he really did say was, that they could make no material reduction unless they touched that great item, the military establishment. And he wished to know what was the result of the reductions that had been made since the period when he made that assertion? In 1848 and 1849 the expenses of our armaments, including the Kafir war, amounted to 18,700,000*l.*, whilst at present the whole of their estimates amounted only to 14,300,000*l.* So that, so far from being wrong, he found that nearly the whole of the reduction in our expenditure had been in the Army, Navy, and Ordnance. He thought the hon. Gentleman also went out of his way in entering into a defence of the military establishment, which did not at all belong to his Motion. The hon. Gentleman had stated that 6,500,000*l.* was the amount that would be required for the effective service; but effective and non-effective, it amounted, as he (Mr. Cobden) had already stated, to 14,300,000*l.* And, indeed, he might say that the time had come when they ought to deal with the non-effective in the civil expenditure, as well as with the military, not by stopping the pensions of those who at present held them, but by stopping them when the existing recipients should die off. Indeed, looking at the system of pensions and superannuations, he did not see how they could act otherwise. Now, whilst on that point, he should say that he could very well understand why a naval or military man, who had got maimed in the service of his country, should have a pension; but he did not see why men in civil offices, who had been paid large salaries by the public for many years, should, on retiring from office, claim to be allowed retiring pensions. Reference had been made by his hon. Friend the Member for Montrose to three great branches of civil expenditure, which had been examined into by Committees upstairs; and his hon. Friend had said, that he saw no good whatever in Committees, unmindful of the good that had been effected by Committees moved for by himself. Now, he (Mr. Cobden) saw great utility and value in Committees; and he would beg to call to the mind of his hon. Friend the Committee which sat on the Import Duties, and which did more to carry the measure of free trade than anything else that had been done to forward that great measure. Then, there was the Committee on the Woods and Forests, which likewise produced reformation; and he doubted not the Committee on the African squadron would also be productive of much benefit. It was not by the votes of the Committee that changes were effected; but the evidence, being published, was used by the press and the public, on whose opinion, as also on the opinion of that House, it exercised a very important influence. Therefore it was that he voted for the appointment of a Committee to consider what reductions could be effected in the salaries of public officers; and he doubted not that Committee would fulfil its functions properly. He hoped the noble Lord at the head of Her Majesty's Government would subject all to the searching ordeal of a Committee, and that the Government and that House would sanction the reductions recommended by them. He felt great regret in having to differ with his hon. Friend the Member for Montrose, who, he thought, had made a speech in one direction, and determined to give his vote in another. He (Mr. Cobden) opposed the Motion of the hon. Member for Oxfordshire, because he objected that the moderate salaries of humble but deserving individuals should be reduced. He also opposed the Motion, because of the reasons urged for that reduction, and because he would not have a blemish cast upon the principles of free trade. He would not be a party to make it appear that this country was less able now, under the provisions of free trade, to pay their servants than heretofore, under the system of protection, or that in consequence of the operation of free trade these servants were to be paid less, and that the people of all classes had not a right to the benefits consequent on free-trade operations—therefore he should vote against the Motion.

Mr. DRUMMOND said, that he was surprised that the hon. Gentleman who had last addressed the House should have brought forward the case of the agricultural labourers, without seeming to be aware of one peculiar feature in their case, which was that the effect of the poor-law had been to prescribe the minimum of wages, below which it was impossible for wages to fall; and, moreover, that he did not seem to be aware that the amount of wages formed no criterion at all for the amount of wages which the whole body of labourers were earning, because in many parishes with which he was acquainted, where wages seemed high, a great number of persons were wholly out of employment, and, consequently, the amount which was paid had to be divided among the whole population, and not solely divided among the labourers actually employed. The speech of the hon. and learned Member for Sheffield seemed also an extraordinary one; it certainly would be satisfactory to the House, and certainly to the country, if Her Majesty's Ministers would have the kindness, once for all, to tell them whether the country had gained or lost by their measures; because in the course of the debate they had been clearly told they had not gained a single farthing, whereas at the commencement of the Session they were told that there had been a clear gain of ninety millions. The Chancellor of the Exchequer had shown that they had not gained a single farthing, and had given the House, the instance of a miserable union with which the hon. Member for Montrose was connected, as a sample of the way in which things were going on throughout the whole country. Perhaps the question of loss or gain was still an open question among Her Majesty's Ministers, and they had not yet arrived at any satisfactory conclusion on the subject. He was not, however, anxious to trespass upon the attention of the House, and he would simply give one plain reason why he greatly preferred that they should not reduce the number of public servants employed, but, on the contrary, reduce the amount expended. His reason for thinking it just that they should reduce the amount expended was, because there was a universal reduction of the prices of living, not brought about by any casual state of things, but as the result of a system in which the country was now travelling. Man, like all animals, was gregarious in his habits, and there were only two modes of leading gregarious herds—they would go as they smelt the clover before them, or as they felt the goad behind them. He was for a strong Government, he cared not whether monarchical, or constitutional, or republican, or any other. [*Cheers, and counter cheers.*] He repeated that he was for a strong Government. Governments in this country had been strong in past years — first, by bribing boroughmongers, and then by bribing the Lord Lonsdales. His argument was, that under former systems Governments had bribed the boroughmongers, by which means they were enabled to carry on their business; and they must now bribe the financial reformers and their supporters—they must have a multiplication of commissionerships and civil offices. The great Lords and the aristocracy, it seemed, were still to have the monopoly of the Army; but the friends and relations of the financial reformers were to enjoy the civil offices. They would then have plenty of speeches out of doors, and votes for impracticable propositions in the House, given by hon. Members who would always vote for Ministers, as they would wisely do to-night, and against the proposition of his hon. Friend the Member for Oxfordshire.

Mr. W. P. WOOD said, he wished to relate to the House an anecdote which he thought deserving of their consideration. The farmers of Oxfordshire had shown themselves practical reformers, like the hon. Member who so worthily represented them. There existed an agricultural club in Oxfordshire, formed for the purpose of protection; and its members had the good sense, during the last recess, to dissolve it, and came to a resolution, at a meeting at which he believed their hon. Representative was present, and which was carried almost unanimously, that the whole question of protection was at an end, and that it was of no use any longer to keep up the farce; and handed their subscriptions, amounting to 400*l.*, to the Radcliffe

Infirmary, Oxford. The hon. Member last year proposed a reduction of 10 per cent on all salaries, and was answered in a most remarkable manner—not by any Member on the Government side, but by a Gentleman who always supported the views of the hon. Member for Oxfordshire on all questions save this—the right hon. Member for Stamford—who told him that they would never do any good by attempting to reduce salaries; that the number of officials had been reduced from 27,000, the number employed in 1815, to 23,000 in 1835, and the salaries reduced from 3,700,000*l.* to 2,800,000*l.* in the same period. The result was, that they had 23,000 persons employed in various civil departments, of whom 20,000 received salaries under 100*l.* a year. He agreed with the hon. and learned Member for Sheffield that the subordinates were not overpaid. Like many hon. Members, he knew some who had started in life at the same time as himself, and had been with him at the University, on leaving which each had chosen his peculiar walk in life. Some men of great talents had obtained appointments in public departments, and were receiving salaries of 200*l.* or 300*l.* a year; while he, by no means their equal in talent, and others, were advancing forward in some profession, by which in a very few years they acquired the means of maintaining themselves and their families. The present proposition was certainly an improvement on the rude measure of a 10 per cent reduction brought forward by the hon. Member last year; but yet what would go forth to the world if they passed it? They would declare a truism, but they would pronounce a censure on the Government, and delude the people. [*Cheers.*] It was impossible to contend that such would not be the case, for they were called upon to ask Her Majesty to do that which the Government were already carrying out, and to tell the people of England that in consequence of free trade wages throughout England were henceforth to be reduced.

MR. DISRAELI: There seems, Sir, to be one point upon which both the House and the country are agreed, notwithstanding some faint intimations to the contrary which may have been breathed in a low voice this evening. It seems we are agreed on this, that the pressure of taxation in this country is excessive. We hear from all classes of the community, from all parties in the State, and from every quarter of the kingdom, that retrenchment is not only desirable, but necessary. The hon. Member for the West Riding and his Friends have taken a very leading part in this cry of retrenchment; they have announced to the country that vast measures of reduction were necessary; and I will do the hon. Gentleman the justice to admit that he, who I learn to-night is the enemy of "sweeping resolutions," no sooner entered the House after his first enunciation out of the House of his opinions and sentiments, than he did propose certain resolutions, to which, until this evening, I thought the epithet of "sweeping measures," was admirably applicable. I think, Sir, that there can be no doubt that in the class with which the hon. Gentleman is, not entirely, though I may say partially connected—the agricultural class—there exists at this moment, whatever may be the cause, a very sincere conviction that the public burdens are of a very grievous character. The question which naturally occurs to all of us is—what is the reason of this increased burden? And why is it that in the years 1849–50, in a country which has increased in population to such an extent as we have been told, which has accumulated so vast a capital, with a commerce so extended, with manufactures so ingenious, and, as we have been informed, so prosperous—why is it that there is such a general feeling of uneasiness, and why is it that all classes combine to tell the Legislature that their burden is not only grievous but intolerable? You have for a considerable period been reducing all those taxes which pressed upon the springs of industry; for a considerable period million after million has been taken from off the shoulders of that class with which the hon. Member for the West Riding is peculiarly connected. Nearly 9,000,000*l.* of taxation have been removed, the object of that remission being to make life more easy, and the necessary burdens of the State more light to be borne. When all this was done, the hon. Member for the West Riding and his friends rose up and said, "Only repeal the corn laws, and we can beat the world." Well, the corn laws have been repealed, but the world has not yet been vanquished. This, then, being the state of affairs, the hon. Gentleman and his Friends, hitherto, proud of being the heralds of what they call the "new movement," which was to reduce the expenditure and taxation of the country, appear to-night as if they themselves were so many

Chancellors of the Exchequer, and as though it were a part of their business to paint in rosy hues the prospering fortunes of a flourishing community. But in the mean time, if the hon. Gentleman and his Friends have the credit of being our precursors in this agitation to which he often referred, and now, it appears, with a sneer—a change has also come over the fortunes of those classes with which we are connected; they find their means are diminished, and they find their burdens more grievous. They find themselves unable to meet those charges which the Legislature has imposed upon them, and they also naturally seek, in a legitimate manner, for some source of relief. Now what is that source of relief? If you wish to retrench or diminish the expenses of the country, your first thought naturally is to reduce the taxation of the country; and, in accordance with that sentiment, we have, upon this side of the House, proposed and supported measures which have that tendency. In so doing we have been subjected to many imputations, and even from persons who sit on the Treasury bench. I do not refer to exaggerated statements, which in an excited *tu quoque* are excusable at a late hour of debate; but really when the noble Lord the First Minister, because we gave a vote to effect some remission of the burdens of the community, charged us with an intention of breaking faith with the national creditor, he made a statement which was little authorised, and supported it by a reference to details which were merely imaginary, especially when he declared that I myself, and the Gentlemen with whom I act, voted for a repeal of the window tax. Now, I say that we have given no vote on this side of the House for a remission of taxation which was not authorised by the state of the public finances, and by a due consideration for the claims of the public creditor, though at the same time with a due consideration for the claims of our suffering constituents. We have been charged—the Tory party have been charged to-night by the hon. and learned Member for Sheffield with a new-born zeal for economy. [Mr. ROEBUCK: Hear, hear!] The advocacy of economy has been considered by the hon. and learned Gentleman who says "Hear, hear," as something foreign to the nature of that great political connexion. I should like to know what important reduction has been effected in modern times, except by the Tory party. I will not refer to times remote; but turn your eye over the history of England, from the epoch of the independence of the United States to the date of the Reform Act, and you will find that every measure of public economy and financial reform has been effected by the Tory party. What did you do when you passed the Reform Bill? You destroyed the Government which you are now obliged to bring forward as the model Government of political frugality; and the right hon. Gentleman the Member for the University of Cambridge, whom I do not now see in his place, may look back on a career as Chancellor of the Exchequer which will not be easily equalled in these days, since he twice during his life effected a great reduction in the interest of the national debt. And yet we are now told of the new-born zeal of the Tory party for economy. Gentlemen, however, who are the creatures of the Reform Act, which has produced a Parliamentary system which the hon. Member for Montrose admits, with a heavy heart, has caused such financial disasters in the country—for the hon. Gentleman looks back with regret to the time when he carried measures of economy in an unreformed Parliament, which he can never hope to carry in a reformed one—Gentlemen, I say, who have received their education in Parliamentary and Financial Reform Associations never look to the history of their country beyond a few years back, and regard resolutions advocating rigid economy as a proof of new-born zeal in the Tory party. Now, what is the Motion brought forward by my hon. Friend the Member for Oxfordshire? It is a Motion in perfect accordance with many Parliamentary precedents, and with many Motions which have been made by Members of the Tory party within the last fifty years—more than that, it is a Motion perfectly in accordance with the exigencies of the times. It has encountered to-night the anticipated opposition of many individuals. It has been met, of course, by the right hon. Gentleman the Chancellor of Exchequer, who at the beginning of the Session, but a few weeks ago, announced to us that prices had fallen beyond the mark which he had anticipated, and who had then the courage to confess that he hoped a rise would soon take place, but who to-night vindicates his opposition to the Motion by his researches in the book of the Marylebone vestry, which prove that prices have not diminished. Then came, if possible, a more important personage, the right hon. Baronet the Member for Tamworth; and certainly, so far as his observations went, they were quite unanswerable, because the theatre in which the right hon. Gentleman played to-night, was of a limited, though classical, character, for it was confined to Downing-street. One would suppose that my hon. Friend the Member for Oxfordshire had brought forward a Motion to curtail the salaries of those mysterious individuals who are the real Government of this country. The right hon. Gentleman invoked the shade of Mr. Brooksbank, and argued as if we were dealing with a sum which at the most would amount to 100,000*l* or 200,000*l*. a year. Is that the case? How was it put by the hon. Member for Oxfordshire? No one can dispute the accuracy of his statements, or deny the force of his ingenious but trustworthy arguments. My hon. Friend, after going into details which were necessary to refresh the memory of the House, summed up and showed you that you had to deal with a sum of not less than seven millions and a half. That was the amount of salaries and wages paid by the State, to which my hon. Friend thought the attention of the Government ought to be called, for the purpose of retrenchment and reduction. Did the observations of the right hon. Member for Tamworth apply to this sum? The right hon. Gentleman drew a most interesting picture of himself, overwhelmed with the cares of State, and supported on each side by a private secretary, one of whom received 300*l*. per annum, while the other only received 150*l*. a year. Why, Sir, conceive Lord Hardinge with two aides-de-camp — conceive him writing a despatch at the close of a great battle, and saying that he was very much surprised and pained to find that men to whom he felt so much indebted for their co-operation, and who had risked their lives in executing his orders, were receiving, the one only 300*l*. and the other 150*l*. a year. [*Murmurs.*] Why, the cases are parallel. Are the private secretaries of a Prime Minister men in such a position that they are only to be rewarded by their salaries? There is no analogy whatever between the class to whom the attention of the House has been called to-night by the right hon. Member for Tamworth, and the classes whose remuneration amounts to many millions. Some Gentlemen seem to object to this observation; but can they deny that when a man occupies the post of private secretary to a Prime Minister, he does not look for his reward to the immediate salary which he receives? He is rewarded by the confidence which is reposed in him, and by the prospects which are open to him; and any reference, as has been made to-night, to the salary which he receives is a mere *ad captandum* argument. After the right hon. Gentleman, followed the hon. Member for the West Riding. The noble Lord seemed the other night to be a little angry with me and my Friends because we were sometimes found in the lobbies voting with the hon. Member for the West Riding and his Friends. He seemed to think that there was something dangerous in such allies. The noble Lord has had great experience in these matters, and I should have thought him the last person to find fault with such "compact alliances." But the noble Lord need have no such fears. These votes have already effected their salutary purpose. We have the frank avowal that no proposition for a sweeping financial reform will receive the support of the hon. Member for the West Riding. It is something to have effected that, and as there is a great anxiety on the part of Her Majesty's Ministers to advance with the public business, a great point will be gained by sweeping from the Notice-book all those Motions for the reduction of fiscal burdens, and the extension of political franchises, which procrastinate the termination of a Session. There is no fear of reduction of taxation on that side of the House. We have established this great truth, that if measures of economy are to be effected at all, it must be done by Gentlemen who sit on this side of the House. Financial reform has received to-night a heavy blow. In future, sincere financial reformers must trust to the "new-born zeal" of that party which, for the last seventy years, has been labouring to effect that object. The proposition of my hon. Friend is to ask the House to consider whether they cannot effect retrenchments in a sum of seven millions and a half sterling. Who doubts that they can? What is the defence of the Government on that head? They say, "Leave it to us." But you have left it to them. "It can be done by a Committee," said some hon. Gentleman, and I observed that the right hon. Chancellor of the Exchequer cheered the suggestion. [The Chancellor of the Exchequer expressed his dissent.] Excuse me; your voice is too agreeable for me to mistake it. The question before the House is, whether the state of society is such that we can bear the burdens imposed upon us, and whether we are not forced to make retrenchments; and to-night, and many nights, you must answer that question. Dreadful as is the position of a clerk with 100*l*. a year, from whose salary ten per cent is taken off, is he worse off than the labourer? The hon. Member for the West Riding says that he will not vote for the Motion, because it is a condemnation of the new commercial system. I tell him that it is not a condemnation of the new system, but it is one of the consequences of it. That condemnation will come in due season; but one of the consequences of the new system is, that we are obliged, owing to the increased burdens of the people, to examine into the public expenditure of the country. Here are seven millions and a half expended, and I want this to be understood out of doors. I do not want people to be led away by the sentimental appeals of the right hon. Member for Tamworth, as if we were dealing with an insignificant sum, and making a petty Motion with a petty object. The Motion of my hon. Friend will effect a reduction of at least one million per annum, and perhaps more, in the public expenditure. Those who will form a judgment on your conduct to-night are hardworking men, who are suffering hardly, and you must not be permitted to ride off from the consequences of your vote by sentimental descriptions of chief clerks and virtual Ministers of State in Downing-street, nor by a declaration from the hon. Member for the West Riding, that he cannot vote for this Motion because wages will be affected by it. In a great part of this country wages are affected already; and it is our belief that there is no part of this country in which, before long, wages will not be affected. You may try to evade the responsibility which hangs over you by a thread; and those clamorous patriots who founded institutions for financial reform, and who addressed the House at length in favour of impracticable propositions, but who fly from the test when a definite sum is proposed for a particular object, may tell you that the Government will be in danger, and wages will be affected, or resort to any other shadowy subterfuge, which may suit their purpose to-night, but which will condemn them for ever in the eyes of the country. I care not to inquire into the causes of the universally acknowledged distress which has been referred to by so many Gentlemen. I have no doubt that evils so generally felt must have many sources, though I think there has been one predominant cause which has been injurious, and which may become more than injurious, to this country. We were told before that there was no distress, and that the country was prosperous; but now the existence of distress is admitted, though it is attributed, not to recent legislation, but to railroads. If the distress be occasioned by railroads, who is responsible for it? It must be laid at the door of the great men who ought to be the guides of this House, who are our tutors in political instruction, and the guardians of our public conduct. Did you not stimulate railways in this House, and make attendance on Railway Committees compulsory in order to hasten the completion of competitive lines? Were not the youth of England told not to waste their time in making speeches, but to devote their energies to Railway Committees? Was not that the advice of great statesmen? And when railway shares were at 150 premium, was not the middle class called the great middle class, and did they not tell us that the Crown and the House of Lords had better be done away with, and the Government of the country be conducted by the large towns, especially those in the North of England? More than half the capital invested in railways has been lost, and not only lost, but lost in consequence of not keeping accounts, by the very men who had been all over England denouncing the farmers because they cultivated the land without keeping accounts. I have said that there is a predominant cause for the distress which prevails, and to remedy which I shall support my hon. Friend in the Motion which he brings forward to-night. I think the distress is mainly owing to the legislative measure of 1846, which mistook the principles upon which a profitable commercial interchange could take place between countries. We have always been of that opinion, and upon legitimate occasions we have always expressed it. The noble Lord says, "If that is your opinion, why do you not bring forward the question?" Well, we are perfectly aware of our deficiencies on this side of the House, and we are often reminded of them by the eminent persons who are around us. We do not attempt to rival them in eloquence, in statesmanship, or in that prudent sagacity by which they have been always distinguished; but whatever may be our failings we have, at least, not the weakness to allow our campaign to be chalked out by our opponents. But though my Friends do not intend to bring forward the question, as has been tauntingly expressed by the noble Lord in this House, and by one of his Colleagues in another place, I will candidly tell the noble Lord the reason why we do not wish to bring it forward. We do not think it is a question to be settled in this House. I do not think, whatever may be our constant divisions upon such a subject, that they can be very satisfactory to the country. I am afraid it is incident to human nature that wisdom should only be acquired by adversity; and when the country has arrived at that pitch of suffering which shall teach them the great lesson, no doubt the country will settle the question without troubling either the noble Lord or myself upon the subject. And I am sure that no other settlement of it will be satisfactory; for what will be the effect of a vote of the House upon such a question as the reconstruction of our commercial system? The people out of doors who are suffering will say—a vote of the House of Commons in favour of "protection," to use a common phrase, or against it, will be no adequate test; we have had votes of the House of Commons upon the same subject before; and whether our opinion is in favour of protection or against it, we have been equally disappointed in our expectations and our views. We have elected Parliaments, they may say, to support protection, and they have repealed the laws we sent them to support; whilst those who are opposed to those laws, if a vote of the House of Commons were to come to a contrary decision, and require what you call protection, would be equally dissatisfied. It is a question then, which can now only be settled out of doors. We have, by the conduct we have pursued with regard to economical subjects these later years, brought the question to this point, that the great body of the community can alone decide upon it; and if any of my hon. Friends were to bring forward what you call "a substantive proposition," calling upon the House to retrace the steps recently taken, we should not only be appealing to an assembly of individuals personally pledged to another course, but, even if we succeeded, we should not achieve a result which, as prudent men, it would be desirable to accomplish; because it is by the salutary experience they are daily feeling, that the various classes of the community must arrive at that change which we are confident will arrive. Before I sit down, I would venture to make one observation to the noble Lord, which I think it might be well for him to turn in his mind, especially when he talks of ideas of this kind being "a wildgoose chase." I would just remind the noble Lord, who, upon all occasions, and indeed all his friends and supporters do the same, treats a recurrence to commercial principles that for a time may have been abrogated, as a most insensate idea, and especially one almost impossible in a State where democratic sympathies prevail, as—fortunately, they do prevail in this free country—I would just remind the noble Lord that there is a nation—a nation not second in power even to our powerful country—where there has been such a reaction, and that too a country where democratic influence is infinitely greater even than in England. And that is, the United States of America. When the noble Lord and his friends upon every occasion treat as impossible a recurrence to those principles upon which our commercial code was for so many years founded, and with the experience, generally, of so much prosperity to the country—when they treat such an idea as a wild phantasma, which it is impossible to suppose a wise man can sincerely entertain—I beg them to remember this fact in a House where we are so often reminded of the great superiority of American institutions, and American conduct, and American intelligence—that they may, in time, also become equal admirers of American economics. I, for one, have no wish that the great change to principles favourable to native labour, from those which regard only cosmopolitan interests, should occur by other means than it did in the United States, by the consequences of sharp experience, and by the influence of popular sentiment.

Lord J. RUSSELL said, that at that hour of the night he would endeavour to confine himself closely to the Motion before the House. The hon. Member for Oxfordshire proposed an Address to Her Majesty for a revision of all the salaries in every department of the public service, with a view to reduction. His first objection to the Motion was that it was unjust. When he moved for a Committee in a former Session, he stated that the Government had made a revision of the department of Stamps and Taxes, and that many reductions had been made in that department to the amount of 250,000*l.*; he stated the number of persons who had been reduced in that department; and he stated likewise that with respect to offices belonging to the Executive Government, a careful revision had been already made in several of them; that in the Home Office and in the Treasury very considerable reductions had been made in the number of persons employed; and that all the other offices were to be subjected to similar reductions. He was surprised, therefore, to hear the hon. Member for Montrose now making the statement that the Government refused all revision. He had, moreover, recently proposed a Committee to consider the official salaries of persons holding seats in the two Houses, of judicial officers, and of the diplomatic establishment; and he would distinctly say that in the face of all the revision already effected, and of the revision going on, to propose an Address to the Crown for revision, as though no revision had taken place, was an unjust imputation upon the Government, which had done so much, and which had manifested its readiness to do more. So far as to the nature of the Motion of the hon. Member for Oxfordshire, made, be it remarked, after the hon. Member had heard so repeatedly from the Government its determination to proceed to the utmost possible extent in the course of revision and of reduction. The only conclusion to be drawn from the hon. Gentleman's Motion, under such circumstances, was, that he had no confidence in the proposals of the Government, and that he conceived it to be the duty of the Government to resort to some other mode of revision. [Colonel SIBTHORP: Hear, hear!] The hon. and gallant Gentleman, with his accustomed candour, accepted that interpretation. But the Motion contained something more than this. It would be, in his opinion, an objectionable proposition, did it merely extend to the Government of the day, but it further proposed to have an accurate revision of the salaries and wages in every department of the public service. Let him first advert to the salaries. This proposal as to salaries must be taken in conjunction with the Motion which the hon. Member for Oxfordshire made last year, in conjunction with portions of his speech that evening, and in conjunction, too, with the declaration just made by the hon. Member for Buckinghamshire. The declaration was, that there had been a great reduction in the prices of the necessaries of life, and that therefore there should be a proportionable reduction in the salaries of public officers. He would say, at once, that the reductions the Government had made had gone on an entirely different principle. What they had done was this: Whenever they found that more persons were employed than were wanted for the public service, they had reduced the number by superannuations and otherwise to the necessary point; but to make reductions according to the current price of the necessaries of life, would be, in his opinion, unfair and unjust to that great body of persons who were employed in the public service. The right hon. Member for Tamworth had said no more than what every person having experience in the public service would say, when he commended so highly the services of those gentlemen who were permanently employed in the public departments. As to the comparison set up by the hon. Member for Buckinghamshire between those gentlemen and a general's aid-de-camp it was altogether futile. It was these gentlemen, in the permanent service of the various departments, who carried on the whole machinery of the Government, the chiefs of which were liable to change with every revolution of opinion in or out of the House. It was essential to the public service to have men of such experience and practised ability permanently in the public departments; and he would venture to say that were the present Government to go out of office in consequence of any vote of the House, or other circumstance, and hon. Gentlemen opposite were to succeed them, they would not be in office a single day before they would find themselves entirely dependent on the services of those gentlemen, whose experience and ability rendered them thorough judges of the manner in which official business was conducted, and whose zeal and energy were at the disposal of the Government in office, whatever its opinions, the Whig servant of the department as faithfully and energetically serving the Tory Minister of the day, as the Tory servant the Whig Minister. With such convictions, he could not consent to any resolution that should injure the interests and the prospects of so valuable a body of men—that should propose to give them a less reward for their great labour than their labours intrinsically merited, merely because the price of provisions might be low at a particular time. It was to be borne in mind that the great public bodies, the East India House, the Bank of England, the great commercial firms, thoroughly appreciated the services of such men, and gave them their fitting reward. Let the House of Commons once resolve that the same fitting reward should not be given to the servants of the State, and an irreparable injury would at once be inflicted on the public service; the economy would soon manifest itself to be a deeply mischievous waste, that should drive such men as the public service now possessed into private service, that extended to them the due reward of their energy, their ability, their experience, and their labour. He felt, therefore, on this ground that the Motion ought not to be adopted. But there was another part of the Motion which was perfectly understood by the hon. Member for the West Riding, even before it was explained by the hon. Member for Buckinghamshire. It proposed not merely a revision of salaries in all the public departments, but a revision of wages in every department of the public service, with a view to a just and adequate reduction thereof. It would be impossible for the Government to accept such a Motion—as the hon. and learned Member for Sheffield seemed to suppose they might have done—without exciting an expectation throughout the country that they were about to make a reduction of wages in every department of the public service. And on what ground was such a reduction to be made? It had been clearly explained by the hon. Member for Buckinghamshire. That ground was not that the wages of persons employed by private individuals in the metropolis or elsewhere had generally fallen, but it was this—that there was so much distress in the country, arising from the repeal of the duties on corn and other import duties, that the only resource by which they could satisfy the distressed part of the community was, by reducing the wages of every man in the public departments. His (Lord J. Russell's) answer was, that this statement was not true; for, from every account he had heard with respect to wages, except in some few of the agricultural counties, there had been no reductions of wages, and the labouring classes of the country were not now obliged to receive a less remuneration for their work than they obtained before the Act of 1846 was passed. He would not, therefore, give any countenance to that delusion. He would not aid the hon. Gentleman in inducing the House to express an opinion that the country was in such a state of distress, owing to the adoption of what had been called the policy of free trade, that it was absolutely necessary for the Government to reduce the wages of every labourer in their employment. He (Lord J. Russell's) belief was, that the reverse was the fact. He believed that, generally speaking—and he had received a good deal of information on the subject from various quarters—the labouring classes of this country were now in a better condition than they had been in before the adoption of that policy which some hon. Gentlemen opposite so strongly reprobated. [*A cry of* "No, no!"] The hon. Gentleman who doubted this assertion was quite welcome to entertain his own opinion; but he could not expect him (Lord J. Russell), entertaining, as he did, an opposite conviction, to assent to a measure which would disseminate throughout the country the belief that the House of Commons considered that the nation had been reduced to so distressed a state in consequence of the adoption of free trade, that it was absolutely necessary to reduce wages. He had asked the hon. Member for Buckinghamshire, the other night, instead of proposing Motions of this kind, and voting for the reduction of various taxes, to bring forward some direct Motion for protection, that they might have the question fairly tried between those who thought that system ought to be restored, and those who were opposed to its restoration. The hon. Gentleman then said that he and his Friends had only voted for these reductions of taxation to save their suffering constituents. It appeared, then, that the hon. Gentleman, in order to promote the interests of his constituents in Buckinghamshire, had felt himself obliged to vote for a reduction of the duty on paper, and of the duty upon marine insurances. That certainly seemed an odd mode of relieving the distress of Buckinghamshire. But the hon. Gentleman had also said that this was a kind of campaign, and he told them he was too skilful a general to take his plan of campaign from his opponents. He (Lord J. Russell) thought his hon. Friend the Member for Montrose should pay due attention to those words. Whether the plan of campaign adopted by the hon. Member for Buckinghamshire was good or bad, he clearly showed what his object was—that, whether he marched to the right or to the left for the purpose of a feint, his real object was to assail the intrenchments of the free-traders, and to put an end to that system. The hon. Gentleman plainly showed that he and his Friends were convinced that they would be in a minority if they were to bring forward a Motion for the re-establishment of protection; but they considered that under the guise, or rather disguise, of Motions for a reduction of taxation, they might secure the assistance of some allies, who would otherwise shrink from joining them; and that they might thus at length attain what they declared plainly to be their object—the restoration of protective duties. With that object plainly declared, he thought there could be little doubt that the hon. Member for the West Riding had perceived with sagacity their intention, and had determined not to be misled by their plan of campaign.

> "Mutemus clypeos, Danaumque insignia nobis
> Aptemus."

"We have no chance of escape," said the hon. Gentleman and his Friends, "in our own armour as Tories; but if we appear as great economists, as great friends of reduction, as men who wish to diminish taxation, then we may carry some Motion which will be, at all events, exceedingly hostile to the Government, and thus, by certain roundabout and circuitous modes, we may at length attain our real object—the restoration of a protective duty upon grain." He thought this was quite enough to induce those hon. Members who did not seek the attainment of the same end, not to vote for a resolution which would effect no real economy, which, so far from saving 1,000,000*l*., would not save a single pound of the public expenditure. He doubted whether, with regard to true economy, they could make reductions more speedily or more safely than in the mode proposed by the Government. He believed the State might find, as the railroad companies to which his right hon. Friend referred had found, that if they made sudden reductions in the public departments, they would unsettle their whole establishments, they would induce many of their best public servants to look for other employments, and they would probably be obliged to buy good service with larger rewards than they now thought it necessary to give. He believed the only true mode of economy was that adopted by the Government—to make a gradual revision of the public departments, to treat no individual with injustice, but, in the case of any vacancies, not to fill up places which were unnecessary; and if any other departments besides those which had been mentioned should hereafter seem fit subjects for inquiry, to let such inquiry be made. In that manner they would carry into effect, gradually, indeed, but with justice to individuals, and with benefit to the State, a large and permanent system of economy. If, on the contrary, the House were to adopt this resolution, they would apparently be giving a vote for economy; but, in fact, they would do little for economy, while they would tend to promote a further object, against which he believed a majority of that House, if the question was presented to them plainly and directly, were prepared to decide.

Sir C. BURRELL said, that as the noble Lord had stated that the wages of agricultural labourers had not been reduced, he begged to inform him that in the south of England they had fallen. It was impossible that the price of corn could have fallen one-third, as compared with what it was before the repeal of the corn laws, without an effect being produced on the wages of labour.

Mr. HENLEY, in reply, said, he thought the noble Lord at the head of the Government had shown his usual ingenuity in endeavouring to gather back into his fold a proportion of the hon. Gentlemen on the other side, who, on some late occasions, had not shown themselves disposed to act as a very disciplined body. The noble Lord had taken great offence because certain Members on that (the Opposition) side of the House had voted, on a late occasion, against certain taxes. But the noble Lord seemed to have forgotten what happened two Sessions ago, when he proposed to put on an additional property tax. There was a sort of growl all round the House. [*A laugh.*] He could not call it anything else—which warned the noble Lord that it would not do to go on with his plan. And what was the result? That the Government were obliged to come down to the House with amended estimates. The noble Lord had opposed this Motion as unjust both to the Ministry and to the subjects of the proposal. The Chancellor of the Exchequer, however, had said, "I agree with the Mover in his principle, but I will not consent to the Motion, because it will be a vote of censure upon the Government;" and then, because the Motion was a vote of censure, the right hon. Gentleman did not face it with a direct negative, but he moved the previous question. It was urged that the Treasury had been reformed; but it was forgotten that it had been reported upon by the Committee on the Miscellaneous Expenditure two years ago. But he (Mr. Henley) did not bring the Treasury or the Home Office especially under the consideration of the House; these were in the Estimates every year. No one who had opposed the Motion had said a word about any one great revenue department. The noble Lord talked about the savings in 1833, but he had overstated the amount by nearly 100,000*l.* The fact was, that the establishments often paid off with one hand, and took on with another. The hon. and learned Member for the city of Oxford had alluded to a matter which would have been as well not brought before the House, a private matter of a county society, which he said had dissolved itself because the Members gave up protection. The fact was that it was a defensive society, and there was nothing left to defend; there was a difference of opinion as to what should be done in future, and as to having new rules, and the society, therefore, came to an end of its own accord. As to the noble Lord's taunt, if their (the protectionists') views of the recent policy were right, the time would come when the subject would force itself on the House. He (Mr. Henley) had not brought forward this Motion with any view of censuring the Government; but he could not understand the justice of inquiring into the judicial and diplomatic salaries, and the salaries of official men with seats in Parliament, and not inquiring into others. No one had said a word to justify such a distinction.

Previous Question put.

The House divided:—Ayes 173; Noes 269: Majority 96.

List of the AYES.

Alcock, T.
Alexander, N.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bailey, J.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Best, J.
Blackstone, W. S.
Blair, S.
Blewitt, R. J.
Boldero, H. G.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Brooke, Lord
Brooke, Sir A. B.
Brown, H.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Carew, W. H. P.
Cayley, E. S.
Chatterton, Col.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Copeland, Ald.
Cotton, hon. W. H. S.
Currie, H.
Deedes, W.
Devereux, J. T.
Dick, Q.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Evelyn, W. J.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Granby, Marq. of
Greenall, G.
Greene, J.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hall, Sir B.
Hamilton, G. A.
Hamilton, Lord C.
Henley, J. W.
Herbert, H. A.
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Hood, Sir A.
Hope, H. T.
Hornby, J.
Hotham, Lord
Hudson, G.
Hume, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knox, Col.
Law, hon. C. E.
Legh, G. C.
Lennard, T. B.
Lennox, Lord A. G.
Leslie, C. P.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lygon, hon. Gen.
Meagher, T.
Mandeville, Visct.
Manners, Lord J.
Martin, J.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Neeld, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Nugent, Sir P.
O'Flaherty, A.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Pechell, Sir G. B.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Prime, R.
Pugh, D.
Rendlesham, Lord
Repton, G. W. J.
Roebuck, J. A.
Rufford, F.
Rushout, Capt.
Sandars, G.
Scholefield, W.
Scott, hon. F.
Seymer, H. K.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, Lord J.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Talbot, C. R. M.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Trollope, Sir J.
Tyrell, Sir J. T.
Verner, Sir W.
Waddington, D.
Waddington, H. S.
Wakley, T.
Walmsley, Sir J.
Walsh, Sir J. B.
Willoughby, Sir H.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.

Beresford, W.
Vyse, R. H.

List of the NOES.

Acland, Sir T. D.
Aglionby, H. A.
Anderson, A.
Anson, hon. Col.

Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Ashley, Lord
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Bulkeley, Sir R. B. W.
Burke, Sir T. J.
Busfeild, W.
Butler, P. S.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Cobden, R.
Cockburn, A. J. E.
Cocks, T. S.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Currie, R.
Dalrymple, Capt.
Damer, hon. Col.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
D'Eyncourt, rt. hon. C.
Divett, E.
Douglas, Sir C. E.
Douro Marq. of
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Egerton, W. T.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Emlyn, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
French, F.
Gibson, rt. hon. T. M.
Glyn, G. C.
Grace, O. D. J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Guest, Sir J.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Heneage, J. H. W.
Henry, A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard hon. J. K.
Howard, hon. E. G. G.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Humphery, Ald.
Hutt, W.
Inglis, Sir R. H.
Jermyn, Earl
Jervis, Sir J.
Keogh, W.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Loch, J.
Locke, J.
Lushington, C.
Macnaghten, Sir E.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, Visct.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milton, Visct.
Moffatt, G.
Monsell, W.
Moore, G. H.
Morgan, H. K. G.
Morrison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
O'Connell, M.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, F.
Perfect, R.
Pigott, F.
Pilkington, J.
Pinney, W.
Pusey, P.
Rawdon, Col.
Reid, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Sandars, J.
Scrope, G. P.
Scully, F.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburn, Earl of
Sheridan, R. B.
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townshend, Capt.
Trail, G.
Trelawny, J. S.
Tufnell, H.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Walter, J.
Watkins, Col. L.
Wellesley, Lord C.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyld, J.
Wyvill, M.

TELLERS.

Hill, Lord M.
Bellew, R. M.

POISONS.

Mr. STANFORD rose to move for a Select Committee to inquire if any restrictions should be imposed by Parliament on the sale of poisons. The number of murders which had been perpetrated recently by poison, which could be procured with facility, particularly in the districts where it was used for agricultural purposes, was so great that he was sure the House would agree with him in the necessity of putting a stop to it. He proposed a Select Committee, that they might examine analytical chemists and medical men with the ultimate view of introducing a Bill to check the indiscriminate sale of poisons.

Motion made, and Question proposed—

> "That a Select Committee be appointed to inquire if any restrictions (and if any, what restrictions) should be imposed by Parliament on the sale of Poisons."

Sir G. GREY said, the question was one of considerable importance, and the hon. Member was right in saying the practice of taking away life by such means had become more frequent than formerly. At the same time the detection of such crimes was extremely easy, and one advantage of the hon. Member's Motion was, that it gave opportunity for the expression of an opinion founded on experience, that the detection of murder by poison was so easy that few of them escaped. The subject, however, was under the consideration of the Government, and a Bill had been prepared on the sale of poisons. If the hon. Member had paid attention to the subject, he would know the great difficulty lay in the enumeration of the poisons to be included in the schedule; and he doubted if an inquiry, with the object of ascertaining, as the hon. Member suggested, by an examination of chemists and medical men, what course ought to be taken, would not produce more harm than good, by enabling persons to have recourse to other poisons than those now used to destroy life. Under these circumstances, he hoped the hon. Member would not press his Motion.

Sir R. H. INGLIS recommended the hon. Member to withdraw his Motion, after the intimation of the right hon. Gentleman, that Government had prepared a measure to remedy the evil. There was no man who possessed such means of judging upon such a subject as the Secretary of State for the Home Department.

Mr. BANKES observed, that when the Bill was brought in which the Government intended to introduce, it would be competent to the hon. Member for Reading to propose that it be referred to a Committee upstairs. Some time ago a Member of this House mentioned to him the danger that had been incurred by a whole neighbourhood in a certain locality from the careless use of arsenic, by which it became mixed with flour. He trusted that the Bill would provide for such cases of culpable neglect. He suggested to the hon. Gentleman to withdraw his Motion.

Mr. STANFORD said, that under the circumstances stated to the House, he begged leave to withdraw his Motion.

Motion, by leave, withdrawn.

FACTORY BILL.

Lord ASHLEY, in rising to give a notice, wished to say one or two words. It would be in the recollection of the House that he had obtained leave to bring in a clause to be inserted in the Factory Bill. He meant simply to propose an Amendment to the second clause. It was found to be inefficient, and another was substituted, which was also found to be inefficient; and a conference of lawyers having sat upon it, they came to the conclusion that the object in view could not be attained by a single clause, unless new matter respecting mealtimes were to be introduced. He thought it right, therefore, to apprize the House that the Bill, as at present framed, contained some new matter, which proposed an additional limitation upon the working of the Act, so far as the masters and employers were concerned. He made this avowal, in order that it might not be said that he had taken the House by surprise. He therefore gave notice that on Thursday next, upon going into Committee on the Bill, he should move to substitute the amended clause.

Mr. M. GIBSON thought that Thursday was too early a day for the consideration of this new matter. He would suggest a postponement, if only for another day, so as to give hon. Members time to communicate with their constituents on this subject.

Lord ASHLEY said, it would be better that the clause, as amended, should appear in the Votes to-morrow, and then hon. Members might say whether, in their opinion, they required a postponement of the Committee, in order to give them further time for deliberation. He thought the Committee had better stand for Thursday, as had been proposed.

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, May 1, 1850.

Minutes.] Public Bills.—1° Schools (Scotland).
2° Landlord and Tenant.
Reported.—Benefices in Plurality.
3° Parish Constables.

REGISTRAR OF THE PREROGATIVE COURT OF CANTERBURY.

Sir B. HALL: Sir, I must claim the indulgence of the House for a moment in consequence of a communication I have received from the Bishop of Winchester, in allusion to a question I put yesterday to the noble Lord the First Lord of the Treasury. It will be in the recollection of the House, that when I brought the question of the Registrarship of the Prerogative Court of Canterbury before the House, I asked the noble Lord the First Minister of the Crown a question, to the effect, whether the appointment had been filled up, and whether such appointment had been filled up by the Archbishop of Canterbury with the name of his own son, or by a son of the Bishop of Winchester? I believe that was the exact question I put to the noble Lord. The noble Lord stated, in answer, that the Archbishop of Canterbury had filled up the vacancy with the name of his own son, who was a young man studying in the Temple. It appears, however, from one of those channels of communication which go forth to the public, that I said, "I begged to know from the noble Lord whether the vacancy had been filled by Dr. Sumner with the name of Mr. Sumner, son of the Bishop of Winchester?" and that the noble Lord replied, "it appeared that this office—that was to say, the second reversion to the office—had been given, since Dr. Sumner came to the see, to Mr. Summer, son of the Bishop of Winchester, who was a young man studying in the Temple." This is quite incorrect: because what the noble Lord said was, "it had been filled up by the Archbishop with the name of his own son." I think it due to the noble Lord to state that most distinctly; and therefore I think it right to add what has occurred this morning, as an act of duty I owe to the Bishop of Winchester. The son of the Bishop of Winchester, Mr. Charles Sumner, called upon me this morning, with a letter from his father, with whom I have the pleasure of being acquainted, in which the bishop says—

> "No son of mine has been appointed to the office in question, or to any office by the Archbishop of Canterbury; and as you have introduced my name in connexion with the subject, I am sure you will see the justice of taking the earliest opportunity of setting me right with the public."

Mr. Charles Sumner said it was the more necessary the correction should be made, because he himself was also studying in the Temple, and he did not wish for a moment to be supposed as having accepted the office in question. The words he made use of were these: "If there is any blame attached to the appointment, those who have received it must be held *particeps criminis;*" and he desired it to be fully known that he has not received the appointment, but that the Archbishop of Canterbury had given it to his own son. It is, therefore, very clear that neither the right rev. Prelate the Bishop of Winchester, nor his son, have had anything to do with the appointment.

POOR REMOVAL AND SETTLEMENT.

Mr. Alderman SIDNEY wished to put three questions to the right hon. Gentleman the President of the Poor Law Board: 1. Whether it be the intention of Her Majesty's Government to propose any measure founded on the recommendations contained in the reports to the Poor Law Board, "on the laws of settlement and removal of the poor?" 2. Whether it be the intention of Government to introduce any Bill for the more equal distribution of the charges for the maintenance and relief of the poor? 3. Whether, in the event of no such general measure being introduced, it is their intention to propose such a measure relating to the unions of the city of London, within which the inequality more particularly presses?

Mr. BAINES begged to say, in reply to the first question, that the subjects of the settlement and chargeability of the poor had occupied the most serious attention of the Poor Law Board for many months, and that it was still under consideration. They were questions of great difficulty, upon which the opinions of the best-informed persons widely differed; indeed, the gentlemen who had signed the reports, though agreeing in opinion as to the defective state of the law, differed among themselves as to the remedy that ought to be applied. But, after the facts which had been brought out in those reports, the Poor Law Board felt it imperative to bring both subjects fully under the consideration of Parliament at the earliest period in their power. The present state of public business, however, precluded all hope of doing so during this Session; but he fully believed they would be able to do so in the next. With regard to the second question, he begged to state that, as the subjects of removal and settlement and chargeability were intimately and necessarily connected, he did not propose to bring forward, in the present Session, any measure upon the separate subject of chargeability; and he should, therefore, be under the necessity of asking the House, in the course of this Session, to renew the Union Charges Act for another year. With regard to the third question, he did not think it would be proper for the Poor Law Board to introduce any measure confined to the city of London. The inequalities of rating which existed there were by no means peculiar to London; and whenever the subject was dealt with by Parliament, he should propose to deal with it by means of a general, and not a partial Act.

BIRTH OF A PRINCE.

Sir G. GREY: Mr. Speaker, before the Orders of the Day are read, I may be allowed, in the absence of my noble Friend the First Lord of the Treasury, to make a Motion, which, after the happy event that has taken place to-day, will, I am sure, meet with cordial and unanimous concurrence on the part of the House. The House will, I am confident, be anxious to take the earliest opportunity of repeating on this occasion the deep interest which it feels in everything that concerns the domestic happiness of the Sovereign, whose public and private virtues have justly endeared Her to the nation, and rendered Her an object of admiration and attachment on the part of all classes. I, therefore, beg to move—

> "That an humble Address be presented to Her Majesty, to congratulate Her Majesty on the birth of another Prince, and to assure Her Majesty that every addition to Her Majesty's domestic happiness affords the most sincere satisfaction to Her faithful Commons."

Sir R. H. INGLIS: I have great satisfaction in seconding the Motion. Every hour that Her Majesty has reigned, from the first moment of Her accession, has added to Her name new claims to the affection and gratitude of Her people; and every child with which God has been pleased to bless Her, has furnished a new motive to all persons to hope for the continuance of that favour which has so long watched over the prosperity and happiness of Her people.

Resolved *nemine contradicente.*

LANDLORD AND TENANT BILL.

Order for the Second Reading read.

Mr. PUSEY moved the Second Reading of this Bill.

Motion made and Question proposed, "That the Bill be now read a Second Time."

Mr. CHRISTOPHER objected to the principle of the Bill, which would cause an undue interference between landlord and tenant. It would be much better that they should allow the landlord and tenant to arrange their own matters amongst themselves. That would be much better and much more safe than to adopt the principle which was introduced in the Bill. He had material objections to a clause which was introduced by the hon. Member for Berkshire, which would give the landlord the power of making a claim against the tenant in cases of slovenly management and dilapidation. Altogether this appeared to him to be a one-sided measure, which, under the present circumstances of the country, would prove highly mischievous. It had been said that great agricultural advances had been made in the county of Lincoln, in consequence of the good feeling that existed there between landlord and tenant. He would not venture to continue his opposition to the Bill if it was the opinion of the House generally that it was desirable. He, however, protested against the principle, and would, in the absence of his hon. and gallant Friend the Member for Lincoln, move, as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Sir G. STRICKLAND seconded the Motion, and protested against such an unjust interference with the rights of property, as would destroy the freedom which every person ought to possess of managing his own private affairs as he thought best. It had been stated that this Bill was a permissive Bill, but it was no such thing; it gave no power which did not exist before. He had another strong objection to the Bill, as it had the tendency to promulgate bad systems of agriculture. It recommended marling, which was found in many places very injurious to land. It was provided in this Bill that if a tenant built, whatever might be the nature of the building—however bad, inappropriate, or unnecessary it may be—the landlord was to pay for the erection, or the tenant was to be allowed to take away the materials of which it was composed. That he considered to be a most dangerous principle. The proprietors of land in the county of Lincoln strongly objected to this Bill; and to give an instance of what the effect of it might be, he would state to the House that if this Bill were carried, and under its provisions a tenant of his was to attempt to build on his land, he would immediately give him notice to quit. He was sure that other landlords would adopt a similar course of proceeding. He felt that this Bill was not introduced for the purpose of promoting the interests of agriculture; but it was brought in by the hon. Member for Berkshire as an electioneering scheme.

Viscount GALWAY said, he would vote for the Amendment, as he felt the Bill would produce strong ill feeling between landlord and tenant.

Mr. AGLIONBY supported the Bill, though, perhaps, some alteration would be found necessary to be made in Committee. This was not a question as to whether marling was good or bad for land, as the hon. Baronet the Member for Preston would have wished them to suppose, nor did he believe, with the hon. Gentleman, that the landlords of Lincolnshire had any animosity to the principle laid down in it. From the opinion which he had of the sincerity of the hon. Member for Berkshire, and of his anxiety to promote the interests of agriculture, he was induced to repudiate the insinuation that that hon. Member had introduced the Bill as an electioneering scheme.

Mr. PACKE said, that although he felt that considerable alterations were necessary in the Bill, still, being aware of the many hardships arising to the tenant from change of ownership under the present state of the law, he was inclined to support the second reading. He thought that cases of hardship of this kind being frequent, the question was well worthy the attention of the House.

Colonel SIBTHORP begged to apologise for his unavoidable absence at an earlier period of the day. He declared his intention of decidedly opposing this Bill. It was called a Bill for improving the relations between landlord and tenant, but in his opinion it would have quite a contrary effect. Those relations wanted no improvement. He had consulted all the most extensive land agents in his part of the country, and all concurred in thinking that no alteration was necessary. For his own part, he had no dissatisfied tenants. Acting towards them on the honest principle of "live and let live," he had never heard even a whisper of dissatisfaction. Why, he expected soon to hear of a Bill being brought in to regulate what wages he should give his labourers, when they should dine, and what they should have for dinner. The best principle between landlord and tenant was to let the land from year to year, when both could part the moment they were dissatisfied. Away with Bills of this sort, which, instead of cementing the relations between landlord and tenant, were calculated to throw them into inextricable confusion! He felt sure that this Bill would be thrown out in the other House of Parliament, where the agricultural interest was still deemed worthy of some consideration.

Mr. DRUMMOND would vote for the second reading of the Bill, but he could tell the hon. Mover honestly, that unless it were so altered in Committee, as to be very unlike what it then was, he most give his vote against it on the third reading. In the abstract it might be fair that a man should not lay out money on land, unless he had a lease; but in his neighbourhood a landlord would not give leases, lest being obliged, at a future time, to raise money on his property, he should not be able to do so in consequence of the existence of long leases. The Bill would only be useful in one instance, that of settled estates.

Mr. S. HERBERT said, that the hon. Member for West Surrey's exception was decisive as to the merits of the Bill, and for this reason, that the great majority of estates in this country were settled estates. The great argument hitherto used against the Bill, was that it was wrong to interfere between landlord and tenant, and that every man should be permitted to make the best bargain he could. But this was merely a permissive Bill, there was nothing compulsory in its enactments, and its only object was to enable a landlord to make such arrangements as he might think fair between himself and his tenants. Confidence was much talked of, and confidence was a very great thing in the case of a liberal landlord; but landlords were like other classes, of a great variety of character, and where inclined to act unfairly there was little security for the tenant in the present state of the law. He knew a respectable farmer who had declared to him that he could not sleep in his bed for thinking of the state of uncertainty in which he should leave his property to his children. The hon. Member for Manchester, if present, would soon solve the difficulty by proposing that entails should be abolished; but, those who were anxious to preserve the law of entail should pause and consider whether it was expedient to push it to such an extent as to make it a general and intolerable grievance. This was a great social consideration connected with the Bill, which was well worthy the attention of the House.

Mr. TRELAWNY noticed the see-saw support given to the Bill by the hon. Member for West Surrey. For himself, he should be anxious to support any measure calculated to improve the relations between landlord and tenant; but believing that the present Bill would only render them more complicated, he felt bound to support the Amendment.

Mr. COLES considered that the Bill was an important and invaluable measure. He should support the second reading, but thought it was susceptible of some alteration in Committee. He gave it his hearty support.

Mr. NEWDEGATE supported the Bill. He had only one objection, and that was, that the holder of a property might give such agreements to his tenants as might completely absorb the interests of his successor. He thought that the Legislature should guard against such a contingency.

Colonel THOMPSON concurred with the hon. Member who spoke last. It was important to see that no opportunity was given to tenants for life to damage the interests of their successors. He was in all ways for taking care of posterity.

Mr. CHRISTOPHER said, that the feeling of the House seeming to be entirely in favour of the Bill, he would beg leave to withdraw his Amendment.

Amendment withdrawn, by leave.

Main Question put, and agreed to.

Bill read 2°.

Mr. PUSEY begged that the House would give him some facility for proceeding with it. It was just as it had come improved from the Committee of last year. He begged that it might be committed on the next evening.

Mr. CHRISTOPHER said, that the Bill certainly required further alteration. The farmers considered it would be quite useless to them in its present form. It was a perfect delusion to imagine that it would be sufficient, and he would oppose any attempt to hurry it through the House.

Colonel SIBTHORP said, he would oppose the Bill in every stage, and he did not care a pin who was pleased or who was displeased at the course he thought it his duty to pursue.

Viscount CASTLEREAGH begged to ask the right hon. Gentleman the Secretary of State for the Home Department when it was the intention of Her Majesty's Government to bring forward the second reading of the Irish Landlord and Tenant Bill?

Sir G. GREY said, there was a difficulty in giving a definite answer to the question. There were two or three Bills of great importance waiting to be forwarded to the other House, with which it would be desirable to proceed before bringing on the second reading of the Landlord and Tenant Bill. It was quite impossible, therefore, to fix a day for it at present. As to the Bill before the House, he had no objection to its being set down for Committee upon the Orders of the Day for to-morrow, but it should be with the understanding that it should take its chance.

Mr. H. A. HERBERT asked if he was to understand that it was the intention of Her Majesty's Government to proceed positively this Session with the Irish Landlord and Tenant Bill? As, if it were not, he should move that the provisions of the Bill before the House should be extended to Ireland.

Sir G. GREY said, that his noble Friend, upon a previous occasion, had stated that it was the intention of the Government to proceed with the Irish Bill this Session.

Bill committed for To-morrow.

RAILWAY TRAFFIC BILL.

Order for Second Reading read.

Mr. J. L. RICARDO presented several petitions from Stoke-on-Trent and other places in favour of the Bill, and proceeded to move the Second Reading of this Bill. He wished to state the reasons which had induced him to bring this measure before the House. He was chairman of a line the object of which was very much to shorten the distance between London and Manchester, and he found there were means by which another company might prevent that line being used, and the public having the advantage it was calculated to give. Under these circumstances he came to Parliament for a private Bill in reference to that particular case; but, on inquiring, it appeared that the grievance was so general, that he considered it to be his duty to bring in a public Bill on the subject, applicable to all railways. The subject was one which had been fully considered; no less than six Committees had sat upon it, and fourteen reports had been laid before the House in reference to it, all of which pointed to the necessity of some such measure as he now proposed. The Committee of 1839 in their report stated that it was indispensable for the safety of passengers and the traffic, that the rivalry of competing companies on the same line should be put an end to, and that some general supervision or control should be exercised over all railways. The Committee of 1841 arrived at a similar conclusion, recommending that when such competing companies could not make arrangements for carrying on their traffic in such a manner as should secure to the public those facilities they had a right to look for, and at the same time to secure them from danger, the question should be referred to arbitration. It was clear, then, that that Committee considered that the public should not be left to the tender mercies of the railway companies, but that some legislative control or supervision should be established. But the Committee over which the right hon. Gentleman the Member for the University of Oxford presided, went further than this. It recommended the interference of Parliament in regard to the accommodation which should be afforded, by requiring every railway company to run at least one third-class train every day, which recommendation was afterwards embodied in an Act of Parliament, accompanied by regulations far more stringent than any he now proposed. Before, therefore, his proposition was condemned as one that would be injurious to the interest of the railways, it would be well to ascertain how this more stringent interference had operated. From a return he had obtained of the number of passengers carried, and the money earned by the various classes of trains, he found that the receipts of the one Parliamentary train per day in 1849 had been 1,059,785*l.*, and from all the other trains—six or seven in number—running at high rates, and wholly unfettered by any Parliamentary or other interference or control, had been 5,035,000*l.*; the receipts per mile of the Parliamentary train averaging 6*s.* 6*d.*, and those of the other trains only 5*s.* Such had been the result of the interference under the Bill brought in by the right hon. Gentleman the Member for the University of Oxford when he was President of the Board of Trade. But this was not the only instance of Parliamentary interference in such matters; there was scarcely a Railway Bill passed that did not contain some one or more of the regulations he now proposed to extend to them all. And when he heard of railroad companies talking of coming to Parliament for power to increase their rate of tolls, it was a question whether, as a condition, they ought not to be called upon to give more accommodation to passengers, and greater facilities to the traffic. They had sanctioned the making of 500 miles of railway at a cost of 15,000,000*l.* merely for the purpose of shortening the distance from point to point; but while the companies were permitted to make arrangements by which the public were debarred from benefiting by those shorter routes, it was clear that the intentions of Parliament when they granted the power for making these lines, were defeated. At present, by the arrangements of these competing lines, parties arriving at the junction where the lines of two competing companies joined, were compelled to change carriages, and generally to cross the line at no slight risk of danger, and with the probability of losing their luggage; and when they arrived at the platform on the other side, it was often to find that the train by which they proposed to continue their journey had already started. For it was one of the many modes by which these competing companies impeded the traffic of each other, and obstructed the convenience of the travelling public, to delay the trains on the trunk line until after the starting of the branch train from the junction. The public were entirely in the power of railway companies. They moment they entered a carriage the power of free agency ceased, and the train went just when, where, and at what rate the railway officials thought fit. He did not blame the administrators of railway affairs, but was rather inclined to attribute the blame to the defective state of the law. He brought forward this measure entirely on public grounds, and he thought, if passed, it would conduce greatly to the public advantage. It was not only the conveyance of passengers, but the goods traffic also, that was impeded by the present state of railway management. In a petition presented to the House of Lords, from a distinguished person, a lord lieutenant of a county, known to many hon. Members, but whom he would not name, simply because he desired to avoid introducing the name of any one into the discussion, the mode in which the public were deprived of the advantages which railways were intended to confer, with regard to the conveyance of goods, was stated; and it appeared from that statement that certain of the directors of a railway, being interested in quarries and coal mines in the vicinity of their line, not only got their own minerals conveyed at a lower rate of toll than was charged upon minerals forwarded by other parties, but, by delaying these latter, and by refusing to receive them except at particular and distant stations, shut them out of the market. He believed the regulations he proposed would be equally beneficial to the railways and to the public. The provisions of his Bill were shortly these:—In the first place, he proposed that the company might be required to stop for passengers and trucks at every junction; another proposition was, that efficient passenger trains should be provided at every junction, to carry on the traffic, and that the company having command of the junction should be bound to attach carriages of other lines when they contained a certain number of passengers; but he did not think it would be reasonable, if there were only one or two passengers in a carriage, that it should be attached to the proceeding train in that case. He also proposed that when a train arrived after its time at the junction, it should be forwarded at the expense of the company which had been the cause of the irregularity. He also proposed that railways acting as carriers should carry goods from every junction, and that all goods' waggons and trucks arriving at the junction should be forwarded, if required; and that all minerals should be forwarded within twelve hours after notice. He now came to the most important clause of the Bill, and which he believed had been the occasion of all the opposition with which he was threatened from the railway interest—that was the equal rating clause. But, in reality, there was but little of novelty in that clause, for in effect the same provision was contained in the Railway Clauses Consolidation Act, the only difference being that he omitted in the present Bill the words "under like circumstances," the introduction of which in the Bill he referred to had led to much inconvenience. These were the general provisions of the Bill; and though he was not altogether surprised, seeing the depreciation which railway property had undergone, that every interference with that property should be regarded with suspicion, he believed that those hon. Gentlemen who were connected with railways would best consult the interests they represented by giving it a fair consideration. It was not by high tolls, expensive litigation, or parliamentary contests that railway property was to be restored to its proper value, but by a large view of the requirements of the traffic of the country as a whole, by encouraging it in every way, and by giving the fullest facilities for its full development.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. GLYN hoped the House would indulge him with their attention for a few minutes, while he stated the reasons that would induce him to vote against the second reading of this Bill. He did not appear there as the representative of any particular company, because it so happened that the particular line with which he was more immediately connected would be placed by this Bill in a better position than at present. But this Bill was so filled with details and intricate questions of traffic and interchange of traffic, of working the lines, and of accommodating the public, that it was impossible the House could pass it without much more information than was at present placed in their hands. Now, for instance, the first clause gave adjoining companies power, on serving notice to that effect, to compel any trains they pleased to stop at the junction stations. Now, the favourite trains with the public were the express trains; and there could be no doubt that, immediately on the passing of this Bill, notice would be given for the stoppage of all the express trains. What would the consequence be? Between Carlisle and London there were eleven junctions or more; and he would ask hon. Members in what case they would be if they found that, in travelling from Carlisle to London, they were compelled to make eleven unnecessary stoppages? It was plain that such a system would vitiate and destroy the whole system of express trains. The next clause would compel the trunk lines to put on trains to meet passengers coming by the trains of junction lines. He would call upon the House to consider the increase of danger that would thus be occasioned on the trunk lines if the powers of arranging and despatching their trains were, to that extent, taken out of their hands, and causing trains to be run, not at their own pleasure, but according to the will of another and a rival company. There was also a clause regarding the regulation of fares, which, if carried into effect, would prohibit the using of season tickets, or the running of special trains for the accommodation of benefit societies, or other parties on pleasure excursions, all of which were issued on a reduced scale of fares, and which had been found so beneficial, particularly in large towns. All these excursion trains would be put an end to if the hon. Gentleman's Bill were to become law. He mentioned these things to show how inefficiently the Bill had been drawn; and he begged to say he did not blame his hon. Friend for that, who had as much information on the subject of railways as any one; but matters of detail could only be dealt with by the officials on the lines. Clause 11 required that all railway passengers be booked by the shortest route. Now, the principle laid down by Committees of that House, and by the Railway Commissioners, was, that the only way of permanently keeping up effectual competition between railways was by circuitous competition, each line having its distinct district to go through, though both came to the same terminus: this clause would destroy that chance. Another reason why he objected to the Bill was, that it would have the effect of giving the Railway Commissioners a complete control over the traffic and internal arrangements of the railways. If his hon. Friend thought that a good thing, he had better say so at once; but if that was not his intention, the Bill ought to be withdrawn. He agreed that there were points connected with railway traffic that called for deliberate and prudent inquiry; but this was not the mode of proceeding. He should be glad to see such an inquiry into the general subject, as took place in 1839 and subsequent years; the Committees which sat then left their inquiry unfinished upon many points, such as the rating of railways, with an understood pledge that it was to be again taken up. He would further add, that this was scarcely the time to interfere with railways when they were in such a depressed state. He did not wish to disguise the fact that for this the railways themselves were much to blame; but he must also say that Parliament was as much to blame, and, therefore, he had a right to appeal to the House that they should pause before they passed a measure that would deeply affect an interest which was seriously suffering already. He begged to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. E. B. DENISON thought some comprehensive measure was necessary to remedy the grievance resulting from competing lines, which would increase as regarded the public the more those lines came into operation. He did not, however, consider the present Bill calculated to meet one hundredth part of the evil, and he would advise the hon. Gentleman to withdraw it, and take his chance of a better measure being brought in at some future time. As an instance of the inconvenience arising from these competing lines, he might mention a case which had occurred on the Lincoln and Grimsby line. On one occasion a clergyman and his wife wanted to go as far as Retford, and they were obliged to wait until 10 o'clock at night at the junction, waiting for the Grimsby train. Similar instances of delay had occurred in other parts of the country. He was quite convinced that the public would continue to be put to great inconvenience unless some controlling power were exercised over all the railways in the kingdom. Considerable inconvenience was experienced by the passengers on the Leeds and Thirsk line, in consequence of the nonstoppage of the trains on the Newcastle and Berwick line to take them to their destination. There was, therefore, an absolute necessity for some controlling power to be exercised in order that the convenience of the public might be consulted. He was sorry to think that the Railway Commissioners were unpopular in the country, because he believed they were most anxious to discharge their duty. If they (the Commissioners) did not take up the subject in a large and comprehensive view, he was convinced the public would be put to increased inconvenience by the ill-feeling and various little tricks and contrivances of railway management. He hoped the Bill would be withdrawn, because its details were very objectionable.

Mr. AGLIONBY believed the object of the Bill was to afford increased accommodation and protection to the public, and would therefore support it, if the hon. Member refused to withdraw it. Having long entertained an opinion that the public required protection from the acts of commission and omission of railway directors, he would support any Bill the principle of which was to afford such protection, and was ready to consider the details in Committee. He could not agree with the hon. Member for Kendal, that the system of express trains would be stopped by the Bill, for there could be no objection to place them on the same footing with mail trains, which were especially exempted. Hon. Gentlemen connected with railways, who were, he was sorry to say, rather numerous in the House, said that the Railway Commissioners had too much control. Now, he thought they had not control enough. The interests of the public ought not to be left to any railway directors whatever; and whatever might be the feelings of the House, the feelings of the passengers were decidedly in favour of alterations in the present system. If they were to trust the newspapers, good grounds of complaint against railway companies were but too often afforded to the public. He respected many railway directors as individuals, but would not trust them as directors, particularly when they had a pecuniary interest at stake; and it should not be forgotten that narrowminded and shortsighted persons were often on railway boards, who could neither see what was for their own benefit, or for that of the public. He trusted to see some change take place in the present state of the law affecting railways, and in the regulation of railway traffic.

Mr. V. SMITH said, the hon. Member for the West Riding had asked his hon. Friend the Member for Stoke-upon-Trent to withdraw this Bill, in the hope of something better being done; but he should like to know what probability was there of such a hope being realised. If a Bill was introduced by his right hon. Friend the President of the Board of Trade, hundreds of hon. Members would get up and say they were opposed to the system of centralisation, and could not bear to have great trading interests interfered with; and these principles, excellent no doubt in themselves, would destroy any chance of such a Bill being carried. The Railway Commissioners had never been popular, and, though they had been more unpopular than they were at present, they were not at all likely to carry any measure for the management of railways. All things considered, let them see if something might not be made out of the present Bill. There was a squabble among the directors at last. Let the House make the most of it. It was the best chance they had of arriving at some result favourable to the public. The railway interest was a very powerful interest in the House, and it was for the public to see if they could not avail themselves of this opportunity, and do something for themselves. The hon. Member for Kendal had not gone into the principle of the Bill at all, but had argued against the clauses. The principle was, that better accommodation was required by the public, and should be enforced, and, the House having affirmed that principle, might consider the objections to the clauses in Committee. The inconvenience under the present system was great. At Peterborough, for instance, there was a junction of three railways, and, by a lucky difference between the three boards of directors, it so happened that no matter where you wished to go—north, east, or west, for two hours you must stay at Peterborough. There was a fine cathedral there, and the place was worth seeing once, but he had been obliged to stay there so frequently, that he confessed he was rather tired of the view. Notwithstanding all his efforts, that inconvenience still remained in full force.

Mr. HENLEY, as one who had no connexion, direct or indirect, with any railway, wished to state the reasons why he could not support the Bill. It was argued that greater control was required on the part of Government over those railway companies; but an important element of consideration was, whether the means proposed were likely to attain that end; and, next, whether they should affirm the principle of a Bill, every detail of which was stated to be objectionable. When it was considered that some 5,000 miles of railway were worked all over the country, the marvel was not that some few cases of inconvenience arose here and there, but that the public were carried with so little inconvenience. If they brought the Government in to meddle with the matter, the public would have less convenience than before. With these feelings, he could not vote for a Bill which had been brought forward, as the right hon. Gentleman the Member for Northampton gave them to understand, in consequence of some squabble among the railway directors. The interests of the railway companies were the same as those of the public; and while they were in such a state of depression, they would consult the interests of their customers, and would regulate their affairs much better than Parliament or Government.

Sir H. VERNEY advised the House to abstain from interfering with railways more than was absolutely necessary. He did not object to all Government interference, for fourteen years ago he had proposed the appointment of a commission to determine on an uniform gauge for all railways, and to subject them to a general supervision. The present Bill was full of details so objectionable in every way that even those inclined to subject railways to Government supervision could not support it. No indisposition to such supervision existed on the part of the railway directors, but they objected to a vexatious interference which would defeat the object the Bill had in view. He would be sorry for the public, and still more for the railway interest, if it was carried.

Mr. BANKES said, that while he agreed with much that had fallen from hon. Members as to the necessity of some control over railways, he thought, at the same time, that if a supervision was established over railways and directors, it should be efficient, and entitled to the respect and confidence of the public, and it was because, with all deference and respect to the individuals who held the office of Railway Commissioners, he did not think they were a board of that description, that he could not consent to give them the great and extraordinary additional powers the Bill would confer on them. It was proposed that they should decide not only on the impropriety of any application from one railway company with respect to another, but were to award damages in case they deem it unwarranted or injudicious. He trusted the Government would remodel the present board, if it was to be constituted with such powers and erected into such a tribunal. At the end of last Session the right hon. Gentleman the President of the Board of Trade, in reply to a question he (Mr. Bankes) put as to the continuance of the expense of the present board to the public, stated a Bill had been prepared on the subject, and that further duties would be imposed on the commissioners; but that measure had never passed the other House of Parliament. The duty they now performed was not such as entitled them to their present high remuneration. He did not object to high remuneration to persons discharging onerous duties, but the present board had nothing to do of that description. If they were to have a tribunal at all, let it be of such a character as would inspire confidence in the public, and give satisfaction to the railway companies. It would be a waste of time to go into Committee on the present Bill, when so many arguments had been urged against it.

Mr. J. WILLIAMS complained that the owners of certain collieries in Denbigh had found great injury was being done them in endeavouring to compete with railways in the carriage of their coal, and asked whether the hon. Mover of the Bill was willing to assent to a clause of which he had given him notice?

Mr. LABOUCHERE said, he wished to advert to what had fallen from the hon. Member for Dorsetshire, who placed his main objection to the Bill on his continued dislike to the present constitution of the Railway Commission. His observations, however, were not very consistent with each other, for he implied that he would not object to pass such a Bill, provided the Commissioners were a higher or more important body, and then went on to say he complained of the expense of the Commission, and desired it to be reduced to a mere department of the Board of Trade, leaving the President of the board to be advised on questions involving property to an enormous amount, and an extent of confidence not to be overrated, by a mere subordinate officer holding the situation of law clerk on a salary of a few hundreds a year. He asserted with the utmost confidence that care should be taken, the character and station of officers with such trusts should offer a fair guarantee to the public, not only for ability, but for unsuspected integrity. If they were to have a railway department for the sake of the public, let them command the services of such a man as Sir Edward Ryan, who, after fulfilling the highest functions in British India, had most honourably placed his abilities at the disposal of the Government in a situation which many persons who had filled such high offices would have declined to accept. The main object of the Bill was, he apprehended, to facilitate the thorough traffic over the whole system of railways. That was a subject of equal difficulty and importance, and it was obvious that the relations of those railways to each other and to the public were of the most complicated description. He was not surprised that difficulties should have arisen in conducting so vast and intricate a system; and he believed it to be a matter of no small importance, but, at the same time, of very great difficulty, to regulate it so as to reconcile the convenience of the public with justice to the railway companies. Not only were the questions between railways and the public becoming frequent and difficult, but numerous and intricate questions were arising between railways themselves. Some hon. Gentlemen had stated their belief that a Bill on this subject would have been most advantageously brought forward by Government. He had given his best attention to the subject, and would frankly state the reasons why he had not thought himself justified in proposing any measure to Parliament. He was not ashamed, then, to own that he had weighed the jealousy and suspicion with which any demand for interference on behalf of the Railway Commission would be viewed by Parliament, and he must have been blind to all experience if he was not aware that such were the feelings he would have had to encounter in bringing forward such a measure. When the hon. Member for Dorsetshire said the present Railway Commission was not popular, he begged to ask if there ever had been any persons in that office who had not been unpopular? Any additional powers would only accumulate on them a vast load of unpopularity. Their duties were not of a pleasant nature; and he could assure hon. Gentlemen, as far as he was concerned, duties of a more disagreeable character could not be discharged. The Commission was called on to bring actions against great railway bodies fully represented in the House, for what appeared to be infringements of Acts of Parliament, and there were several actions of that kind pending at this moment. Unpopularity, therefore, was inherent in the very nature of the Railway Commission; but there was no one better qualified than his right hon. Friend, Mr. Strutt, for the situation which he filled, nor any one less likely to incur any degree of unpopularity. Now, with respect to any measure to be brought forward by the Government upon this subject, he must be permitted to say, in explanation of his not having taken any step towards the accomplishment of such an object, that he should not have felt himself justified in attempting it unless he were supported by the general concurrence of the House and the country, and unless the amount of grievance proved to exist was such that he felt it to be sufficient to require and justify the introduction of a measure of the sort. In the first place, it appeared to him that in dealing with such a question there were many difficulties to be solved, without the solution of which they could not proceed to advantageous legislation. It was true that, from time to time, they heard of occasional squabbles amongst railway companies, but sooner or later those differences were arranged—they were always made up at last. They were of rare occurrence, and till an obvious necessity arose, he thought that Parliamentary interference ought to be avoided. Interference was in many respects objectionable; it ought to be the exception, not the rule. Experience had shown that in most cases like those, the parties had much better be left to themselves. Such considerations as those led him not to propose any Bill on the subject of railway traffic. He was also unwilling to do so in the present state of railway property. In the state that that property was now in, he felt unwilling to introduce any fresh element of disturbance, anything calculated to stimulate speculation, and possibly to bring on a panic. His hon. Friend the Member for Stoke-upon-Trent might not take such views of that question; but, as he (Mr. Labouchere) entertained them, he could not do otherwise than refrain from introducing any legislative measure. Of this he was quite sure, that no such measure ought to be persevered in without the aid to be derived from a previous investigation by a Select Committee of that House. Committees of that House dealing with matters of that description had hitherto taken much out of the hands of the Executive Government, and the House had always shown a stronger disposition to be governed by the advice of those Committees than by the recommendations of Her Majesty's Ministers; he therefore had no doubt that, whatever Bill might be introduced, it would eventually be sent to a Committee upstairs. Before such a Committee the Bill would be fully and carefully considered; they would have on that Committee the assistance of the ablest and most distinguished Members in that House, and, backed by the report of such a body, the Railway Department of the Government might perhaps advantageously bring forward a measure on the subject which now engaged the attention of the House. But as matters stood, he could not do otherwise than join in the recommendation which had been addressed to his hon. Friend the

Member for Stoke-upon-Trent, and urge the withdrawal of the measure for the present. He should also recommend his hon. Friend not to press for the appointment of a Committee just at this moment, though he might think it desirable that the Bill should be referred to one; and he (Mr. Labouchere) thought that not only that Bill, but that the whole subject of railway traffic ought to be investigated by a Select Committee; considering, however, that there were a great many Committees at present sitting, and that they therefore could not hope to have the assistance of the more eminent Members of the House, he thought it doubtful whether a Committee could at that period of the Session be advantageously appointed. If, however, his hon. Friend were more sanguine than he, and hoped that they could in the present Session institute a useful examination into the subject by means of the labours of a Committee, then he should, rather than consent to any declaration by Parliament against the principle of the Bill, agree to its second reading, on the clear understanding that before the Bill proceeded any further, the whole subject was to undergo investigation by a Select Committee. If, then, his hon. Friend pressed for a division, he should, upon that understanding, not refuse to vote for the second reading of the Bill. But in saying so, he wished to guard himself further, by observing, that though the object of the Bill had his concurrence, it nevertheless contained some most objectionable clauses. As to the shortest route clause, it only embodied a principle on which the House had always acted.

Mr. GLADSTONE said, that the right hon. Gentleman who last spoke had addressed the House with his usual frankness, and he must admit without any appearance of reserve; but he (Mr. Gladstone) wished that the right hon. Gentleman had indicated more decidedly the view which he took of the question before the House. The right hon. Gentleman, in effect, told the House that his vote should be suspended at the will and pleasure of the hon. Member for Stoke-upon-Trent, and that if the hon. Member would only consent to move for a Select Committee, to which the whole question, not merely the Bill, but all matters relating to railway traffic, were to be referred, he would vote for the second reading of the Bill. Now, it certainly was quite opposed to the practice of Parliament for the House first to agree to the second reading of a Bill, and then to appoint a Select Committee to investigate the whole subject to which the Bill had reference. It was certainly not the practice of that House to affirm a principle by giving a Bill its second reading, and then appoint a Committee of Inquiry to investigate the whole subject, not alone details, but principles, which Committee might ultimately advise the House not to pass any Bill at all. He was sorry that the right hon. Gentleman had entered into the old question of the constitution of the Railway Commission in a manner which must carry with it an idea of disparagement of the character of a gentleman then attached to the Railway Department of the Board of Trade, and whom the right hon. Gentleman had referred to as a "law clerk at a few hundreds a year;" while the fact was that this gentleman was fully as successful in the discharge of his duties on "a few hundreds a year," as were the more magnificently endowed establishments which Parliament had seen fit to found at a later period. The right hon. Gentleman might have recollected that this mere "law clerk," upon being transferred to the management of the Brighton Company, added by hundreds of thousands, if not millions, to the value of their stock. With respect to the Bill, he retained the opinions which he had always held upon the subject. He agreed in much that had fallen from his hon. Friend the Member for Dorsetshire, and he paid a willing tribute to all who had acted upon the commission; but the point to which he more particularly wished to direct the attention of the House, was that which indicated the state of mind of the right hon. Gentleman the President of the Board of Trade. As those were the opinions of Government, he did think it utter waste of time to proceed to the second reading of the Bill, for he felt assured that, under such circumstances; it could not survive the Committee; and even if it should reach the House of Lords, and become law, it must of necessity break down. Amongst the reasons which the right hon. Gentleman had given for not proceeding with the Bill was this, that complaints of through traffic were rare; but he admitted that there was a considerable amount of public inconvenience. Then the right hon. Gentleman indicated the course which he wished the hon. Member for Stoke-upon-Trent to pursue. For that hon. Member's abilities he entertained the highest respect; but if a Committee were to be appointed, it must be conducted by the right hon. Gentleman himself. Some time ago, when he (Mr. Gladstone) was connected with the Board of Trade, and when the affairs of railways were much less complex than they had recently become, he felt the difficulty of this subject; and he entertained a strong opinion that there would be difficulties insuperable so long as the companies remained independent of each other. There would always, he thought, be great difficulty in working any measure having reference to the transfer of trains from the domain of one company to that of another. If they should arrive at that point when a Committee of Investigation would enter upon its labours, they must be prepared for the enormous question of purchase or leasing to companies taking the full and absolute direction. Upon these points he should not then express any opinion; but he hoped that the House now, and at any future time, considering the subject, would begin by bringing before their minds a sense of its extreme difficulty.

MR. LABOUCHERE said, with reference to the expressions he had used regarding Mr. Laing, in speaking of whom he certainly had mentioned the words "a law clerk," he wished to observe that Mr. Laing was a friend of his own; he was known to many Members of that House; there could be no mistake about the respect due to his character; nothing was further from his mind than to treat that gentleman with the least appearance of disrespect, and he wished to take that opportunity of saying that he thought gentlemen like him ought not to be so situated in the public service as that other parties should be able to hold out to them prospects sufficient to induce them to quit the employment of the State.

MR. RICARDO, though consenting to give up the Bill, was resolved to keep attention alive on the subject. He regretted that the views of the Government had not been more clearly indicated.

Question, "That the word 'now' stand part of the Question," put, and negatived.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for six months.

BENEFICES IN PLURALITY BILL.

The House resolved itself into Committee on the Benefices in Plurality Bill.

Clause 1.

MR. HUME said, he was for putting an end to pluralities altogether, in order to place the Church of England in that respect upon the same footing as the Church of Scotland. A clergyman was appointed not merely to read prayers and preach sermons, but to attend in all respects to the spiritual condition of his parish. He should certainly take the sense of the House as to whether there should be any pluralities at all.

Amendment proposed, page 1, line 20, after the word "Benefices," to leave out all the words to the end of the clause.

MR. LAW said, it would be impossible for any one, in the face of the facts, to attempt to undervalue the importance of the Bill, or of the Amendment which the hon. Member for Montrose intended to propose; neither could any one undervalue the importance of the absence of Ministers. [*The Treasury bench was at that time wholly unoccupied.*] Seeing, then, that no responsible adviser of the Crown was present, he begged to move that the Chairman report progress.

MR. AGLIONBY did not know it was necessary for Ministers to be present at every debate in that House; and, if a private Member brought forward a measure, he saw no reason why it should be defeated or postponed merely because Ministers were absent. He would support the hon. Member if he went on with his Bill.

MR. FREWEN observed, it was rather hard to call upon him to postpone his Bill merely because the Members of the Government were not in their places. He wished to inform the hon. and learned Gentleman the Member for the University of Cambridge, that the Bill before them had been read a second time so long ago as the 20th of February; that, at the request of the right hon. Baronet the Home Secretary he had postponed it for a month; when the 20th of March came there were additional postponements; and it was not fair now to require that the Bill should be further put off. He hoped the House would consider the position in which independent Members were placed, and go on with the Committee.

COLONEL SIBTHORP said, he should support the Motion of the hon. and learned Member for the University of Cambridge. When Members, not paid, attended in their places, he saw no reason why all the Ministers should be absent.

The EARL of ARUNDEL and SURREY stated that the Home Secretary left the House, having requested that he might be sent for as soon as the House entered upon the consideration of this Bill, and he apprehended that something unexpected detained him.

Sir J. B. WALSH thought that the discussion of a measure so important ought to be attended by the presence of some Members of the Cabinet.

Mr. HORSMAN objected to its being held that the presence of Ministers was necessary to the proceedings of that House, for if such a principle were to be recognised, the Government could put an end to any Bill by merely absenting themselves.

[At this moment Sir G. Grey took his seat.]

Mr. LAW said, that now, as the interests of the Church were in the charge of the Government, he should withdraw his Motion for reporting progress.

Sir G. GREY said, that when he left the House, another Bill was under discussion, and he thought the debate on it would not have terminated so soon.

Mr. HUME would repeat, for the information of the right hon. Baronet, the observations which he had previously made, and moved the omission of all the words in the first clause after the words "two benefices" in page 1, last line, so as to render it impossible for any one to hold two benefices.

Sir G. GREY stated that there were many benefices in England the value of which was so exceedingly small that it would be expedient to effect several consolidations. He should certainly not be favourable to any benefices being held unless the incumbent could exercise personal supervision.

Mr. AGLIONBY supported the Amendment. It might be said that it would not be right to have small livings with such scanty incomes as were at present attached to them. But he would increase those incomes, and would take care that no clergyman of the Church of England should work without being properly paid for it.

Mr. GLADSTONE saw only one objection to the Amendment of the hon. Member for Montrose, namely, that there was at present no adequate provision for a clergyman in many of these small parishes. If the hon. Member could point to any adequate provision for them, he (Mr. Gladstone) thought the House ought to agree to the Amendment. The case of Scotland, to which the hon. Member had adverted, was very different from that of England, for there was no benefice with less than 150*l.* a year in Scotland, and there the principle might be rigorously applied. But in England many parishes fell vacant of no greater annual value than 60*l.*, 70*l.*, or 80*l.*, and see the difficulty of filling such livings satisfactorily with competent persons. The hon. Member, no doubt, thought that a portion of the incomes of the bishops and higher clergy ought to be applied to the augmentation of these small livings; but the measures necessary for this purpose would probably take years to discuss and debate, and a long period must necessarily elapse before Parliament would have such a control over these funds as to make them applicable to the augmentation of smaller livings. But in the meantime what would the hon. Member do with the poorer parishes? That was a practical difficulty of the gravest kind; and he trusted the hon. Member would not press his Amendment to a division, because he (Mr. Gladstone) was anxious not to give a vote which should appear to sanction pluralities. He believed that the existence of pluralities was opposed to all the sound principles upon which a Church was established, and that the pluralities in the Church of England had been a great blot upon its recent history. The House ought to travel towards their extinction as fast as possible; but they might be entailing greater evils by the absolute and immediate prohibition of pluralities, than by permitting their limited existence. There were at present three plans before the Committee: the Amendment of the hon. Member for Montrose, which proposed the absolute and immediate extinction of pluralities— [Mr. Hume: In future.] Yes, upon preserving the existing rights of incumbents they were all agreed. There was then the plan of the right hon. Member for South Wiltshire, which proposed that where two benefices were contiguous, and one was of a less value than 100*l.*, the two livings might be held by the same clergyman. He (Mr. Gladstone) should support this Amendment, because he thought that if a clergyman with 500*l.* or 600*l.* a year would take possession of a contiguous benefice of small value, a great advantage would thereby be conferred upon the poor of the smaller parish. The proposal of the hon. Member for East Sussex, was to limit pluralities to cases where two parishes were contiguous, and the joint population of the two benefices did not exceed 600. Now looking to the very unsatisfactory working of the present Act, he thought the House ought not to stop at that point. Nothing but an absolute necessity ought to induce the Legislature to tolerate pluralities, and, reserving only cases of necessary exceptions, let the House abolish all pluralities in future, and adopt the Amendment of the right hon. Member for South Wiltshire.

MR. HUME objected to the Amendment of the right hon. Member for South Wiltshire, because, although one of the contiguous parishes might be under 100*l.*, the other might be 1,000*l.* He instanced the case of a clergyman being presented to a benefice in Somersetshire of 1,200*l.*, and whilst holding one in Norfolk of 85*l.*, and that he absolutely refused to allow the 85*l.* to a young and efficient clergyman who was doing the duty in Norfolk, and offered him only 50*l.* He was aware that 100,000*l.* had been raised by the Church for the purpose of sending bishops abroad to places where there was no population; and was it to be supposed that these charitable persons would not subscribe with equal liberality towards the improvement of our population at home? He was told in 1837 that no one would take the livings which Parliament then said should not be held in plurality with other benefices; but no such apprehensions had been realised. If the Government would give him (Mr. Hume) the nomination to all these livings, he would undertake to provide clergymen to live there, and incomes for them.

MR. S. HERBERT said, that the more income a clergyman had, who held a contiguous benefice, the better able he was to support a curate in the poorer parish.

SIR G. GREY said, he did not think it desirable that the proposed augmentations of livings should be effected out of the funds at the disposal of the Ecclesiastical Commissioners. It would be preferable, he thought, that such funds should, in the first instance, be applied to the cases of large populations requiring more spiritual supervision. It would be better to consolidate by force of law small livings which lay contiguous and having a limited population.

LORD J. MANNERS said, if there were one thing more than another that prevented religious endowments in this country, it was the apprehension that when parties had devoted part of their substance to the purposes of the Church, hon. Members like the hon. Member for Montrose, and those who sat beside him, would step in and say, "We will not respect your endowments, and we will arbitrarily cut and alter your parochial arrangements." He wished the hon. Member for Montrose would devote his exertions towards restoring the endowments of the Church to their original intention. If he could obtain for the Church the great tithes now in the hands of lay proprietors, his Amendment might be adopted without much difficulty.

MR. HUME was convinced that if there was a clergyman in every parish, the lay proprietors of great tithes would be compelled by the force of public opinion to do something towards providing for those clergymen.

MR. HORSMAN said, that the principle upon which the Church was founded was, that every parish should have a resident clergyman, and every congregation its religious teacher. He wished to see the smaller parishes consolidated, so that there might be an end to the legalising of pluralities. They were a great convenience in some cases, but in others they opened a door to great abuses. He should support the Amendment of his hon. Friend the Member for Montrose. The Bill before the House was good as far as it went; but as a matter of principle he should give his vote against the existence of pluralities in the Church at all.

MR. E. B. DENISON represented to the hon. Member for Montrose, that if he carried his Amendment, he would prevent the consolidation of these parishes, and defeat the object he had in view. In many existing parishes there was no church, and in others the population was very small. Now, the only way in which such a population could be served was by uniting that with the adjoining parish, which, if the Amendment of the hon. Member for Montrose were carried, could not be done.

MR. PETO said, there were thirty-five parishes in the city which he represented (Norwich), and several of the livings did not amount in value to more than 35*l.* or 38*l.* Unless such livings were held in plurality with some other benefice, no clergyman could be found to accept them. The remedy was by consolidating these smaller parishes, and for these reasons he should oppose the Amendment of his hon. Friend the Member for Montrose.

Question put, "That the words 'unless the said benefices are actually contiguous to each other,' stand part of the clause."

The Committee divided:—Ayes 166; Noes 53: Majority 113.

List of the NOES.

Bass, M. T.
Brockman, E. D.
Brotherton, J.
Burke, Sir T. J.
Clifford, H. M.
Colebrooke, Sir T. E.
Corbally, M. E.
Cowan, C.
Davie, Sir H. R. F.
Drumlanrig, Visct.
Duncan, Visct.
Evans, W.
Fitzroy, hon. H.
Forster, M.
Greene, J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Henry, A.
Hodges, T. L.
Hodges, T. T.
Horsman, E.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Lawless, hon. C.
Lushington, C.
Mackinnon, W. A.
Melgund, Visct.
Mitchell, T. A.
Nugent, Lord
O'Flaherty, A.
Perfect, R.
Pilkington, J.
Power, Dr.
Raphael, A.
Rawdon, Col.
Rice, E. R.
Robartes, T. J. A.
Romilly, Col.
Rushout, Capt.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Stansfield, W. R. C.
Stanton, W. H.
Sullivan, M.
Thicknesse, R. A.
Thornely, T.
Tollemache, hon. F. J.
Walmsley, Sir J.
Willcox, B. M.
Williams, J.

TELLERS.

Hume, J.
Aglionby, H. A.

MR. S. HERBERT would now move the Amendment of which he had given notice. His object was not to diminish the income of any clergyman, but to secure, as far as possible, pastoral superintendence in every parish—so that a clergyman might be able to reach every parishioner; and every parishioner, so to speak, might have no difficulty in having access to him. He thought that with 100*l.* a parish might be able to secure a pastor—not that he deemed such a sum sufficient for a clergyman, but that he thought 100*l.* would be enough to induce a man to undertake the cure of a parish.

Amendment proposed—

> "To leave out all the words from the words 'each other and' to the end of the clause, in order to add the words 'unless the yearly value of one such contiguous benefice shall be less than one hundred pounds.'"

MR. CHRISTOPHER concurred in the propriety of having a resident clergyman in every parish; but he thought great difficulty would be experienced in carrying out the object of the Amendment in the case of very small parishes with populations of perhaps sixty or seventy, such as existed to a great extent in Lincolnshire. Then, if they agreed to consolidate such parishes, he would like to know what was to become of the fabric of the church in very many cases. He thought if the line was drawn so closely as proposed, much difficulty would be felt in many country districts. He would certainly oppose the Amendment.

MR. HUME regretted exceedingly the decision which the House had just come to; but as the Amendment now proposed would moderate in some degree the evil he had protested against, he would give it his support.

SIR G. GREY did not think there was any force in the objection of the hon. Member for North Lincolnshire to the Amendment, because in the smaller parishes, where there was a sufficient fund to support a curate, it was obviously preferable that the same amount should be given to a resident clergyman with the name of an incumbent instead of that of a curate, which was the only alteration contemplated by the Amendment. That would be the most likely course to prevent the parochial churches from falling into decay. He quite agreed with the hon. Gentleman who spoke last, that it was desirable that pluralities should be abolished, because they induced non-residence. The object of the present Bill was, that no two benefices should be held together, except under circumstances in which practically they should be considered as one benefice, the clergyman being able personally to superintend the two parishes, the population not being excessive, and they being actually contiguous. The right hon. Member for South Wiltshire went further, and proposed as an Amendment that no benefices should be held in plurality, except the value of the contiguous parish should be less than 100*l.* a year, and he should support that Amendment.

COLONEL THOMPSON would support the present Amendment in preference to the other. There was no use in legislating for the removal of evils without saying how. The House might as well determine that there should be no poor or no poverty. In the present case there appeared to be but three courses: to settle in what manner pluralities should be consolidated; to decide that the poor parishes should have no pastors at all; or to leave things as they were. The present Amendment appeared to go to the first.

MR. GLADSTONE said, the best argument against this Amendment would be, that it might prevent some pluralities that were not attended with any intolerable evil. But there was evil in the principle of plurality itself, and only the strongest plea of necessity could justify it in any particular case. Where it was to be allowed, with respect to benefices under 100*l.* a year, the reason was that it was necessary, not for the sake of the clergyman, but for the sake of the flock, who were not likely to be able to secure the services of an incumbent for such a small income; but where the benefice was worth 100*l.* and upwards, this Amendment went on the presumption that that amount would generally be sufficient to secure the services of a resident clergyman, and therefore it prohibited pluralities in all such cases.

Question put, "That the words 'the population of the two benefices jointly shall not exceed ,' stand part of the clause."

The Committee divided:—Ayes 16; Noes 162: Majority 146.

List of the AYES.

Bagge, W.	Packe, C. W.
Blackstone, W. S.	Rushout, Capt.
Burroughes, H. N.	Sibthorp, Col.
East, Sir J. B.	Sturt, H. G.
Floyer, J.	Trollope, Sir J.
Gore, W. R. O.	Verney, Sir H.
Gwyn, H.	
Jermyn, Earl	TELLERS.
Langston, J. H.	Frewen, C. H.
Lowther, hon. Col.	Christopher, R. A.

Clause, as amended, agreed to, as were Clauses 2, 3, 4, and 5.

Clause 6 was withdrawn, and an amended clause agreed to.

House resumed.

Bill reported; as amended, to be considered on Tuesday next, and to be printed.

The House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, May 2, 1850.

MINUTES.] *Took the Oaths.*—The Lord Seaton.
1ª Parish Constables.
2ª Leasehold Tenure of Land (Ireland) Act Amendment.
3ª West India Appeals.

ADDRESS TO HER MAJESTY—BIRTH OF A PRINCE.

The MARQUESS of LANSDOWNE: My Lords, I rise for the purpose of calling your attention to a subject, which I know that your Lordships will be of opinion ought to have precedence before every other business. Your Lordships will anticipate that I allude to the event which occurred yesterday morning, and which, though it must be a subject of congratulation to the public in every part of the country, can nowhere be a subject of higher congratulation than to your Lordships assembled in this House. It has been my good fortune to call the attention of your Lordships more than once to a similar event; and on all such occasions I found that ready response from your Lordships which I expect to receive on the present occasion. Under such circumstances it would be a waste of words to say more than this—that every passing year of Her Majesty's reign—that all the circumstances of the country—that every incident connected with Her Majesty's family, serve only to increase the anxious desire which your Lordships feel on all occasions to testify your satisfaction at any accession to that family, and at any addition to the happiness of Her Majesty the Queen. I therefore beg leave, my Lords, to propose—

> "That an humble Address be presented to Her Majesty, to congratulate Her Majesty on the Birth of another Prince, and to assure Her Majesty that every addition to Her Majesty's domestic Happiness affords the most sincere Satisfaction to this House."

The DUKE of RICHMOND: I rise, my Lords, on my own behalf, and on behalf of all those noble Lords with whom I am connected, to express the concurrence which we all feel in the sentiments so well expressed by my noble Friend opposite, the President of the Council, and to state that we are all grateful to that All-wise Providence who has watched over and preserved Her Majesty in her recent trials. I heartily join in this address of congratulation.

The Question agreed to, *nemine dissentiente.*

AGRICULTURAL DISTRESS.

The DUKE of RICHMOND presented a great number of petitions from various parts of the country upon the position of agricultural affairs, and said, that he thought it was due to those who had signed these numerous petitions to give notice of his intention to present them, and to request at the same time the attention of their Lordships to the subject to which these petitions referred. The first was one numerously signed from agriculturists in Elgin; and he would observe that these petitioners were men of great industry and intelligence, indeed some of the best farmers in the north of Scotland; but their case was one of peculiar hardship. The foreigner who sent his grain to this market might send it by any ship he pleased; but not so the Scotchman, who was not able to do so, because he was bound up by the navigation law. That navigation law had been repealed against the interests of our own shipowner, but it had been left in force as far as it applied to the inhabitants of Scotland. He could state to the House that the farmers knew well that with the low prices of corn at the present moment, it was impossible for them to continue the cultivation of corn; and he was in possession of cases where the farmers were partially laying down their land for grass, although they would gain little by that, as live stock was hardly remunerative. He had lately seen a newspaper, published in Northumberland, in which his noble Friend opposite (Earl Grey) resided—and in that one weekly paper there were no fewer than sixty advertisements of farmers selling off their live and dead stock. The free-trade measures had been called an experiment; but he asked were they going by their experiments to sweep away the occupiers and tenant farmers from the face of the country? He told their Lordships again that the farmers could not, by high farming or low farming, grow wheat at the prices they were now receiving. Noble Lords opposite seemed to agree with that proposition, for they had said that the present prices were not permanent, and would not continue. Well, then, if the statement were correct that they could not grow corn at these prices—that a great number of farmers were at the present moment obliged to sell their stock and leave their farms—what was the answer given to that? It was said that nothing could be done but to get men of capital to take those farms. But what was to become of those who had held those farms? What did they mean to do? Did they mean to make the farmers go abroad with the remnants of their capital, and the cotton manufacturers to come in and be the cultivators of the land of England? For himself, he would rather sell every acre of estate than allow these Manchester cotton spinners to attempt their cultivation. If the country lost the tenant farmers, good men would not be found to replace them. They had always been men loyal and true to their country, and their Lordships had no right to complain of their exertions in improving the lands that were let to them. But it was not enough to ruin the farmers—they must also be insulted by Her Majesty's Ministers in a Speech which Her Majesty was advised to deliver at the commencement of the Session. They said, "We admit there is local distress—we admit the farmers are not doing quite as well as could be wished"—and then, that being admitted, what did they do? Repealed the duty on bricks! That was no boon to the cultivator of the soil. Why, there were more bricks in one of those tall chimneys in Manchester than in all the buildings upon any farm in England. Then the farmer was made to pay the income tax. Although he might have made no profit during the last two or three years, still he was made to pay. Not so the manufacturer, who gave an account of his profits. He should like to see some of those accounts—or what he chose to call the amount of his profits; for a great deal more might be made in a factory than the millowner chose to tell of. The manufacturer only paid upon what he chose to say were his profits; but you force the farmers to pay the tax though they had no profit. You cannot get the people of England to submit to such injustice. They will not submit to it. The longer this experiment is continued, the more ruin you will achieve, and the more would the name of Government be disliked and detested; and he was afraid the loyalty of the people lessened. These petitions were numerously signed, and were sent from all parts of the country—from every county in England. All they asked was, protection for their produce. But they were not a selfish class of men. They wished a return to protection for all domestic industry. He thought that they were quite right. Although they were abused when they came forward against the repeal of the navigation laws, he thought them right then, and he thought that they were right now. He would recommend the farmers of England to be straightforward and persevering. He would tell them not to use violent language or violent action, but to be steady and determined, and to show the country that they were men that would persevere in a cause which they thought to be just; and when the yeomanry of the country put their shoulders to the wheel, it would not be very easy for a small body of theorists and Manchester manufacturers to turn them away from their purpose. Taxed as this country was, and taxed as it must be so long as the public creditor expects to get any portion of the revenue, it would be impossible for the English farmer to compete with the foreigner. It had been truly said that the farmers of England paid a much larger portion of taxation than the other classes of society. He thought that this injustice at all events ought to be rectified. He thought that the local taxation of the country ought to be placed on a better footing; but he would tell their Lordships fairly that, in advocating this change in the law, he wished not to be supposed to say, for one moment, that he thought a release from a small portion of taxation would be at all equivalent to the loss of that protection under which this country had risen to the highest state of prosperity. He knew of farms that were now thrown into grass, and the tenants did not intend to cultivate the land. What was to become of the land? Year by year, their measures prevented the farmers from being able to cultivate the land. The agricultural labourers would be thrown out of employment—they would be deprived of a fair day's work for a fair day's wages. If they continued to follow this course, they would have their workhouses filled, and, what was much worse, they would have recurrences of those scenes which he deeply deplored; one of which, he believed, only took place a few days since in Warwickshire. The farmers having failed in obtaining remunerating prices for their corn, attempted to reduce the wages of their labourers. The result was, the labourers met in crowds, they came to the farmers in the neighbourhood and forced the men that were willing to work at low prices to leave their horses and to join them; and it was only when the magistrates called out the rural police that the disturbances were put an end to. He was glad that the magistrates had acted so; for however he might hate their free-trade theories, he would never in that House or elsewhere recommend these aggrieved classes to proceed to acts of violence and insubordination; but at the same time he would always advise them to do their utmost to get rid of a law that entailed upon them such mischief. He had to present nearly 100 petitions from various parts of the country, and he must again say he thought it due to these petitioners that they should not be laid upon the table without such a statement as he had just made.

EARL GREY declined entering upon that occasion into the general discussion on the system of free trade into which his noble Friend had challenged him to enter. He would confine his observations to those which his noble Friend had made upon one subject in connection with the county of Northumberland. His noble Friend had asserted, that in one paper, published in Northumberland, there were not less than sixty advertisements respecting farms on which stock was going to be sold. His noble Friend did not seem to be aware that at this period of the year in the north of England the removal of tenants from their farms usually took place, and there were therefore generally many sales of stock taking place. From information which he had himself received from Northumberland he could state distinctly that the amount of sales now about to take place was not much more than the average amount in ordinary years. He then proceeded to read a letter from a Sussex farmer, dated the 26th of September, 1844, and published in a Sussex journal at the time, from which it appeared that in that month and year, when the country was under a system of protection, the stock on seventy farms was advertised in one paper alone for sale, and that this number of advertisements was referred to as the best index of the lamentable condition to which the agricultural interest was then reduced. Thus, according to the argument of his noble Friend, the agricultural distress in Sussex in 1844 under a system of protection, was greater than it was at present in 1850 under a system of free trade. His noble Friend had also said that the farmers of England had been insulted by a portion of the Speech which Her Majesty's Ministers had framed at the commencement of the present Session of Parliament. Surely the noble Duke, in making that assertion, must be under some delusion, which led him to suppose that the members of the present Government were not at all interest in the prosperity of the landed interested. Now, he (Earl Grey) was quite certain that the feeling of every member of the Government was a feeling of deep anxiety for the welfare of agriculture. But it might be that that feeling was coupled with another opinion, which he, for one, had always entertained, that the real weight which hung about the neck of the British farmer was the miscalled protection by which he had been oppressed. His noble Friend had likewise asserted that the farmer was injured by the present mode of levying the income tax. His noble Friend had told their Lordships that every other trader gave in an account of his income, and that, if he showed that he had no profits, he was entitled to relief from his assessment; but not so the farmer, whose assessment was in proportion to his rent. Now, he would recall to his recollection that that was the arrangement adopted in 1842, and was agreed to by the whole party with which his noble Friend was connected. He (Earl Grey) had said at the time that the arrangement was injurious to the farmer, and had met it with the most decided opposition. He had given it as his opinion that the tax should be calculated on the profits, and not on the rent of the farmer. But that was not the opinion of the leaders of the agricultural party at that time in the House of Commons. They said that such a calculation could not easily be obtained—nay, that it was impossible—and the rule was established that the profits should be taken at a certain amount proportionate to the rent which the tenant-farmer paid. He thought that that arrangement operated greatly in Northumberland, where the farms were generally large, to the injury of the tenant. On his own property every farmer paid his income tax according to that rule; but in many parts of England where the farms were small, the farmer paid almost nothing in the shape of income tax.

The DUKE of ARGYLL was not desirous of promoting these incidental and irregular discussions on the great question of protection and the corn laws. At the same time, he was of opinion that those who had advocated the repeal of the corn laws were not entitled to complain of the course now pursued by the advocates of protection. He recollected well that the noble Lords on the Ministerial side of the House had created discussions on all occasions to promote the repeal of the corn laws; and, therefore, they should not complain that those who now advocated a return to protection were pursuing the former policy of their antagonists. He must, however, object to the form which these discussions were now assuming, and which was now daily becoming more injurious to the interests of those who commenced them. He thought that very undue weight had been attached to the expressions used by the noble President of the Council in the debate on the first night of the present Session—namely, that the system of free trade was but an experiment. Those expressions had been taken hold of, and very ponderous deductions had been drawn from them. All their Lordships were aware what an experiment was on a great question of public policy. It was extremely difficult to procure the repeal or alteration of a principle when it was adopted in an Act of Parliament. When their Lordships came to a great question of public policy which had agitated the public mind for years, and in which great progress had been constantly made in one direction, they should not be told that it was an experiment which they were entitled to watch like an experiment in a laboratory from year to year or from week to week, and to stop or reverse it according to the progress made within any short period of time. He thought that it was quite impossible so to act with this experiment of free trade; and therefore it was that he considered these discussions respecting the temporary depreciation of agricultural produce as undertaken under a mistaken impression of the condition in which we were placed at present. Noble Lords on the Opposition benches having that mistaken impression, wished to show that the present condition of agriculture was to be its permanent condition; whilst, on the other hand, Her Majesty's Ministers argued that it was only exceptional. He contended that their Lordships, as they well knew that this experiment must be tried for some time longer, at any rate, ought to look at it carefully and deliberately. He thought that they ought to consider the depreciation of agricultural produce as exceptional, and that they could not argue as to its permanent from its present price. He could not help asking the noble Lords on the Opposition benches, whether it was or was not a fact, that the price of agricultural produce in France was at this moment unusually low, and that almost the same complaints were made on the subject in France as were made by them in this country. If France was at present an exporting instead of an importing country, and if the owners and occupiers of land in France were suffering in the same manner from low prices as the owners and occupiers of land in England, it appeared to him that the present must be an unusual and exceptional state of things, in which money cheapness might go too far. He should view the present state of the country with great alarm if he did not believe it to be exceptional. If it were not exceptional but permanent, a considerable alteration must be made in the distribution of the public burdens of the country. He recollected well that Lord

John Russell, in the letter which he wrote to Her Majesty shortly before the construction by Sir R. Peel of the Ministry which repealed the corn laws, said that certain concessions must be made to the landed interest; and declared that relief from some of the burdens imposed upon agriculture must be combined with that repeal. It was true that Sir R. Peel had done something to diminish those burdens, but more remained to be done. It did appear to him that some different mode should be adopted for the levying of the income tax upon both the owner and the occupier of land. The present mode was unjust to both, for it made the latter pay for profits which he did not always make, and it compelled the former to pay the tax on his whole nominal income, and made no allowance for the deduction he was obliged to make on the rents of his tenantry.

LORD FEVERSHAM observed, that on former occasions of agricultural distress, the Government of the day had come forward with some plan for alleviating it; but on the present occasion the numerous petitions of the agricultural classes were almost passed over without notice. He did not think it was fair or equal justice to the owners or occupiers of land that they should be called upon to compete with the untaxed foreigner, considering the heavy burdens to which they were subjected. He believed it to be utterly impossible under the present circumstances that they could compete with them in the English markets. He confessed he could not concur with the noble Duke in thinking that the present state of things was exceptional, or that there was any prospect of alleviating the existing distress. Unless the supplies from abroad were diminished, this country would be inundated with foreign corn. It appeared to him that the farmers had a right to come to that House to demand a redress of their grievances and wrongs, and to ask for a repeal or remodification of some of the heavy rates and duties to which they were at present liable. Take the single article of malt, on which a heavy duty was levied, although foreign barley was allowed to come in duty free. Now, it could not be fairly said that the consumer paid that duty, inasmuch as the agriculturists and their labourers consumed a large portion of that malt themselves. He complained that there was not the slightest expression of regret on the part of the Government with regard to the existing distress; and the only reply which had been received from the Home Secretary was, that it had been laid before Her Majesty, but without one word of sympathy or consolation; it was not treating the memorials or petitions of the people in the manner they ought to be treated. The course the Government was pursuing was one not only prejudicial to the best interests of the country, but totally irreconcileable with every principle of sound policy or justice; and, in his mind, it was tantamount to a public declaration that the farmers of England, who had ever been distinguished for their loyalty and attachment to the institutions of the country, should be excluded from the benefits and protection of the British constitution. It was setting one interest against another, and was exciting feelings of injustice and animosity, which ultimately must be productive of much mischief. He had taken some pains to inquire into the matter, and he had ascertained that the distress was general in every part of the country. It appeared to him that the Government would find it difficult to bring forward any number of impartial and dispassionate men to that bar who would not be impressed with the conviction of the general, the deep, and the unmitigated agricultural depression that prevailed, and which had been brought about by the operation of their recent legislation. The noble Lord read an extract from a letter written by a Yorkshire gentleman residing in his own immediate neighbourhood, in proof of the accuracy of the statements he had made, and concluded by supporting the prayer of the petitioners.

The EARL of ST. GERMANS, although unwilling to protract this incidental discussion, wished to make one or two observations on the subject before the House. He admitted that great distress prevailed among the owners and occupiers of land in this country, and no one had more reason to speak feelingly on the subject than himself. He was convinced, however, that a return to protection was impossible in this country; and he was no friend to the farmers who would excite any hope or expectations that such would be the case. The peculiar circumstances of the time led to the abandonment of the corn laws. Their repeal had averted many of the horrors which otherwise would have followed the famine in Ireland, and also had probably been the means of protecting this country from those political storms which had convulsed the other portions of Europe. But whether this were so or not, the feeling of the country was so strong on the subject that any attempt to reimpose the corn duties would be attended with the most dangerous consequences. He admitted there was great agricultural distress at present; but he agreed with his noble Friend (the Duke of Argyll) that it was an exceptional case. Allusion had been made to the prices of agricultural produce in France, which were lower there than they were in this country, notwithstanding protection existed there. That country for a short time had been an exporting country of grain, and he was not aware of any previous year in which a large quantity of corn had been imported into this country from France. He had reason to know that in some parts of France during the present year, the landowners had received no rent whatever. Under such circumstances, they could have no reason to expect that there would be anything like a permanent importation of corn from that country. He had also reason to believe that the agitation for the renewal of protection had had the effect of leading to the importation of enormous quantities of corn from Prussia and other parts of the north of Europe. An impression had been excited abroad by the speeches made at public meetings and in Parliament, and by articles in the newspapers, that there was a probability of this country returning to protection. Foreigners were led to believe that the restoration of protection was at hand. [*Cheers.*] That might be the feeling of a few noble Lords, and of the farmers in some parts of the country; but he knew the feeling of the mercantile class was adverse to any agitation of protection. He believed, however, the feeling which had been excited abroad of the chance of protection being again adopted in this country, had led to the depression of prices, as the corn storehouses in the north of Europe were almost emptied, so that the produce might be sent in due time to this country. At the present time the price of corn at New York was higher than it was in this country; and he knew that many exporters of corn from the north of Europe had been exposed to considerable losses. He was satisfied there was no valid reason to apprehend any permanent depreciation of prices of agricultural produce. As for local burdens, he agreed that Parliament should take them into consideration with a view to their readjustment.

The EARL of STRADBROKE would have been glad to have heard any argument from the noble Lords opposite to show that the present depression was exceptional. He denied that it was so. The noble Duke had stated that there was greater agricultural distress existing in France, but he certainly must take leave to doubt it. They had little hopes of exhausting the foreign supplies, for although not less than 1,800,000 quarters of corn had been imported from America in the past year, the supplies still on hand, according to the returns which he had seen, were enormous. Again, look at the state of Ireland. In every direction the farmers of that country were selling off their stock preparatory to emigrating, and others were only waiting for the result of the present year's harvest. Large tracts of land were at this moment unoccupied, and the quantity would be considerably increased before the end of the year. It was said that a return to protection was impossible. Why, that was tantamount to saying that the English farmers would be denied justice. It was clear to him that they must return to a system of protection, or they must equalise the taxation. He thought those discussions that took place from time to time were extremely valuable, because he was satisfied that some great relief must be given to the farmers in one shape or another.

The DUKE of RICHMOND begged to differ with his noble Friend the Earl of St. Germans, when he said that free trade had prevented this country from being revolutionised. He most certainly gave the noble Lord credit for the extraordinary discovery; but he would tell the noble Lord what had prevented it—it was the good feeling of the people of England towards their free institutions, and this was a part of that constitution—that they should bring their grievances before that House and demand redress. He did not think the farmers would take the advice of his noble Friend and relative. The noble Lord said that he (the Duke of Richmond) and his Friends had recommended the people of the Continent to send their corn into that country although at a loss. Well, if he had ever said anything to induce the importers of corn to lose money, all he could say was, that he was delighted to have said it, and he should always do the best he could for that purpose. But he would certainly advise the farmers of England not to take the hints of his noble Friend on the cross benches, but to take the advice of those who had proved themselves true and right prophets in 1846, and through whom only they would ever obtain any redress. How had free trade been obtained? By the agitation of a few men of Manchester. How would protection be again restored? He believed only by the agitation of the whole people of England. The noble Duke said he had now a petition to present which was not of a political nature. It was from the chairman, vice-chairman, and guardians of the Steyning union, in the county of Sussex, complaining of distress among the landed proprietors of the union. The petitioners were required to build a new gaol and house of correction for the county at an expense of 30,000*l.* or 40,000*l.*, all of which was to be paid, not by the monied men, who had been filled by free trade, but by the unfortunate farmers and landowners of the county. The petitioners said, and justly, that this gaol was not for the agriculturists alone—that it was for all classes of the community, and should be built by the money of all. Why, then, should the Government continue a system by which the farmers, ruined as they were, were to pay all the cost, while the monied men escaped? But that was not all. They had passed an Act of Parliament requiring each county to erect a lunatic asylum, and the farmers were called upon to lay out a large sum of money for that purpose also. Why should not these lunatic asylums be paid for by all parties? It could not be said that the agricultural classes alone were lunatics, although if the present course of legislation were persevered in much longer, it would make a great many lunatics. He had not much confidence in the majority of that House, or he should certainly move a resolution giving formal effect to the pledge of the noble Lord (Lord J. Russell), not that the condition of the agricultural classes would be taken into consideration, because he would not give a farthing for that, as it was only a civil way of putting one off; but that the present mode in which the income tax was levied was unsatisfactory and ought to be remedied. Now the noble Lord opposite having admitted that such was the case, as one of the responsible advisers of Her Majesty, he was bound, with his colleagues, to bring forward some measures to remedy that state of things. He was delighted that the present discussion had taken place—it was one of the great benefits of these discussions that they brought out something from the Government in the course of the debate, and in the present case he thanked his noble Friend for the admission he had made with regard to the unsatisfactory and unequal pressure of the income tax.

The EARL of MOUNTCASHELL observed that with the present high prices of grain it was impossible to carry on cultivation in Ireland. Before long, no class of the community would suffer more from the system of free trade than the London shopkeepers; for in consequence of the altered position of landlords, the expenditure of residents was much less than previous to the removal of protection. The time was fast approaching when a return to protection would be enforced by public opinion.

After a few words from Lord VIVIAN,

Petitions ordered to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 2, 1850.

MINUTES.] NEW MEMBER SWORN.—For Lymington, John Hutchins, Esq.

PUBLIC BILLS.—1° Attornies' Certificates.

Reported.—County Court Extension.

ATTORNIES' CERTIFICATE BILL—ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [26th February], "That leave be given to bring in a Bill to repeal the Attornies' and Solicitors' annual Certificate Duty."

Question again proposed.

Debate resumed.

SIR F. THESIGER said, he felt great pleasure in expressing his acknowledgments to the noble Lord the Member for Middlesex by whom the Bill had been introduced, for the great and disinterested exertions which he had long made to relieve the solicitors from a tax which pressed so heavily on them. He would not have come forward to support the Motion of the noble Lord, if he did not feel that justice imperatively required that these taxes should be abolished. The tax was 12*l.* in London, and 8*l.* in the country; and if the solicitor did not pay it, he was prohibited from practising. The amount realised by the tax was about 90,000*l.* a year. He complained of this tax as partial, and therefore unjust, a single class being singled out for assessment. He had been anxious, it being an important element in the consideration of the case, to ascertain the reasons which had been urged for its original imposition. He found that it was first imposed in 1795, at a time when the Minister was extremely anxious to procure money for the expenses of a lengthened and calamitous war. Mr. Pitt said, that all the previous sources being preoccupied, he felt obliged to propose a general tax on shops. His proposal was objected to, and one Member, a Mr. Alderman Thompson, proposed as a substitute a tax on attornies' licenses, stating that at 30*l*. each it would produce a total of 150,000*l*. a year. The result proved how dangerous it was for individual Members to suggest taxes to the Chancellor of the Exchequer, as before the end of the year both taxes were imposed. A different fate, however, subsequently awaited them. With respect to the shop tax, Mr. Fox never ceased until he procured its removal; but nobody was found to do battle for the attornies. Instead of having any one to procure relief for them, the tax was increased every year until it had attained its present heavy amount. It might be urged that so long a silence was a proof that its operation was not oppressive; but prescription was no defence of injustice; and, moreover, as class legislation was now so generally repudiated, there could not be a better time selected for its removal. The higher branch of the legal profession was exempt; why, then, tax the attornies? It might be urged that bankers, pawnbrokers, horsedealers, and others, were obliged to take out licenses; but there were many reasons why it should be necessary in their case which did not apply to the legal profession. The House was not perhaps aware of the enormous amount of tax imposed on attornies. In the first place there was a 120*l*. stamp on the articles, whereas if the tax were *ad valorem* as in other cases, it would not be more than 6*l*., the usual premium for articled clerks being about 200*l*. But that was not all. The attorney was not permitted to practise until he had paid 25*l*. more, being about 145*l*. in all before he could enter upon the active practice of his profession. Now he (Sir F. Thesiger) maintained that this was an enormous levy of itself; but in addition they were annually obliged to pay license amounting to about 4 per cent of their average incomes. There were some peculiarities in this tax which made it fall on the parties concerned with peculiar hardship. The attorney was obliged to take out his certificate before the 16th December in each year; and the House would perhaps be surprised to learn that in 1849, 595 failed at the appointed time, and 190 failed altogether. It might, perhaps, be said, " So much the better, so many attornies the less;" but it could hardly be contended that they should thus, for missing one annual payment, be obliged to forfeit all the capital they had invested in the first instance. He trusted he had now said sufficient, in addition to what had already been said by the noble Lord opposite in a former debate, to induce the right hon. Chancellor of the Exchequer to devote a portion of his surplus to the remission of this most objectionable tax.

The CHANCELLOR OF THE EXCHEQUER was sorry to say he must oppose the remission asked for, solely on the ground that the amount could not be spared from the revenue. He did not feel bound to give any further reason for opposing the remission of a tax, that task more properly belonging to the proposal of a new one. It was sufficient for him to state that it was an existing tax, and that it would not be convenient to the revenue to remove it. He had stated on a former evening what would be the probable amount of the surplus, and how he intended to appropriate it; and he could assure the House that nothing had occurred to alter his intentions, although his plans might require some modification in the details. There might be justice in this claim for remission; but it should be remembered that there were thirty other callings in which licenses were required, all of whom might petition with equal justice. There was a license, for instance, on horsedealers. Why not grant remission to them? Why not to all? But that all would amount to one million a year. No one in the House would surely expect him to give up that amount. The hon. and learned Member for Abingdon had understated the amount to which the revenue would suffer by the proposed remission, for he had merely stated the amount levied in England, whereas it would be necessary, if remission were made, that it should extend to the three kingdoms. The amount in that case lost to the revenue would be 117,000*l*. a year. He had now stated the grounds on which no remission could be made in the current year, abstaining from going into the merits or demerits of the particular case, as he did not wish to prejudge it, or to prejudice its discussion in a future year. He called upon the House to reject this Motion—not on any ground peculiar to the proposal itself, but simply because he did not think it right to call on the Government to give up so much of the public revenue. The hon. and learned Gentleman had urged that the effect of this tax had been to induce many to give up a lucrative and honourable profession; but, on looking at the list, he found that if 700 attorneys had retired during the last five years, 700 new ones had been added to the list, so that on the whole the country had not been much the loser. Under all the circumstances, he trusted the House would refuse the remission of the tax.

The O'GORMAN MAHON said, he thought the noble Lord the Member for Middlesex ought to be extremely well satisfied with the statement of the right hon. Chancellor of the Exchequer, who had given the persons interested in this question every reason to hope that at a future period their claims would be favourably entertained. At the same time, he thought it right to say, on behalf of his countrymen who were subjected to this tax, that they were compelled to expend a large sum of money upon their education, and that they were far superior to the class to whom the Chancellor of the Exchequer had compared them—that of horsedealers.

The CHANCELLOR of the EXCHEQUER explained that what he had stated was, that horsedealers had to pay for a license, and that it was a legitimate argument that the imposition of that tax was as great an injustice upon them as the certificate duty was upon attorneys. It was far from his intention to say anything that could be regarded as derogatory to gentlemen who followed the profession of attornies—a profession which he regarded as highly honourable.

Colonel CHATTERTON: Sir, when the attention of the House was last called to this measure by the noble Lord the Member for Middlesex, he entered so fully and so faithfully into the great injustice of this oppressive tax, that I shall not have occasion to trouble the House with many remarks; and particularly so, as I cordially agreed with all that fell from the noble Lord. But, Sir, as upon that occasion, I presented a petition from a most respectable, talented, and highly deserving body of gentlemen, the solicitors and attornies of the city I have the honour to represent; I feel called upon to express my anxiety for the success of this Motion, by the abolition of this tax. Its inequality and injustice cannot be denied: unlike every other tax, it has progressively increased since its first imposition, although those labouring under its annoyance, contribute their share, with other subjects, to the exigency of the State. It is not founded upon any principle of either equity or justice; for why should this, the lower branch of the profession, be annually taxed, when the higher orders are altogether exempt? Why should they be particularly selected? If it is just, if it is reasonable, to impose a tax upon them, why should not the bar—the Church—the medical profession, equally suffer, as well as those occupations of merchants, bankers, manufacturers, tradesmen, &c.? That this tax is felt as a serious and oppressive grievance, is evident from the many petitions against it which have crowded your table—as well as from the well-known fact, that nearly 600 solicitors and attornies were last year deprived of some of the advantages of their profession, by inability to pay the demand within a given period. Being persuaded, Sir, it is never too late to do an act of justice, I trust the House will agree with me in the necessity of relieving this most respectable body of gentlemen, the attornies and solicitors of the united kingdom, from this oppressive and unjust impost, which although it has existed for more than seventy years, was never founded upon a single principle of just taxation or of right.

Colonel SIBTHORP said, he would vote for the remission of this tax, with the view of compelling the Government to return to those duties which, in his opinion, had been very injudiciously removed.

Question put.

The House divided:—Ayes 155; Noes 136: Majority 19.

List of the AYES.

Aglionby, H. A.
Anson, Visct.
Arkwright, G.
Armstrong, R. B.
Bailey, J.
Baldock, E. H.
Bennet, P.
Beresford, W.
Berkeley, C. L. G.
Best, J.
Blackall, S. W.
Blandford, Marq. of
Bouverie, hon. E. P.
Boyd, J.
Bremridge, R.
Burrell, Sir C. M.
Cayley, E. S.
Chaplin, W. J.
Chatterton, Col.
Clay, J.
Clive, H. B.
Cobbold, J. C.
Cockburn, A. J. E.
Codrington, Sir W.
Coles, H. B.
Collins, W.
Compton, H. C.
Cubitt, W.
Deedes, W.
Denison, E.
D'Eyncourt, rt. hn. C. T.
Dickson, S.
Disraeli, B.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duncombe, hon. A.
Dunne, Col.

Edwards, H.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fagan, W.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Fortescue, C.
Fox, W. J.
Freestun, Col.
Fuller, A. E.
Galway, Visct.
Gooch, E. S.
Grace, O. D. J.
Greenall, G.
Guest, Sir J.
Gwyn, H.
Hall, Sir B.
Hamilton, G. A.
Hastie, A.
Heald, J.
Henley, J. W.
Henry, A.
Herbert, H. A.
Hervey, Lord A.
Heywood, J.
Hildyard, R. C.
Hodges, T. L.
Hodgson, W. N.
Hood, Sir A.
Hope, H. T.
Horsman, E.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Jones, Capt.
Keating, R.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Lacy, H. C.
Lascelles, hon. E.
Lawless, hon. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Long, W.
Lopes, Sir R.
Lushington, C.
Macnaghten, Sir E.
Mahon, The O'Gorman
Manners, Lord J.
Martin, J.
Martin, S.
Matheson, Col.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.

Monsell, W.
Morris, D.
Mowatt, F.
Muntz, G. F.
Norreys, Lord
Norreys, Sir D. J.
O'Connor, F.
O'Flaherty, A.
Packe, C. W.
Palmer, R.
Pearson, C.
Pechell, Sir G. B.
Pennant, hon. Col.
Perfect, R.
Pilkington, J.
Plumptre, J. P.
Prime, R.
Pugh, D.
Repton, G. W. J.
Ricardo, O.
Richards, R.
Rushout, Capt.
Salwey, Col.
Sandars, G.
Scully, F.
Seymer, H. K.
Shafto, R. D.
Sheridan, R. B.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Stafford, A.
Stanford, J. F.
Stanley, E.
Strickland, Sir G.
Stuart, Lord D.
Sturt, H. G.
Sullivan, M.
Thompson, Col.
Thornhill, G.
Tollemache, hon. F. J.
Trollope, Sir J.
Verner, Sir W.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Wakley, T.
Wall, C. B.
Watkins, Col. L.
West, F. R.
Westhead, J. P. B.
Williams, J.
Willoughby, Sir H.
Wilson, M.
Wrightson, W. B.

TELLERS.

Grosvenor, Lord R.
Thesiger, Sir F.

List of the NOES.

Armstrong, Sir A.
Arundel and Surrey, Earl of
Baillie, H. J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Beckett, W.
Bellew, R. M.

Berkeley, Adm.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Bromley, R.
Brooke, Sir A. B.
Brotherton, J.
Burke, Sir T. J.
Buxton, Sir E. N.
Campbell, hon. W. F.

Cardwell, E.
Carew, W. H. P.
Cavendish, hon. G. H.
Christy, S.
Clay, Sir W.
Clive, hon. R. H.
Cobden, R.
Colebrooke, Sir T. E.
Colvile, C. R.
Corbally, M. E.
Craig, Sir W. G.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
Dick, Q.
Douglas, Sir C. E.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Emlyn, Visct.
Estcourt, J. B. B.
Euston, Earl of
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Forester, hon. G. C. W.
Forster, M.
French, F.
Glyn, G. C.
Gore, W. R. O.
Graham, rt. hon. Sir J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Hamilton, Lord C.
Harris, R.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Heathcote, G. J.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hutchins, E. J.
Jermyn, Earl
Jervis, Sir J.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Littleton, hon. E. R.

Loch, J.
Lockhart, A. E.
Lygon, hon. Gen.
Mackinnon, W. A.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, Visct.
Melgund, Visct.
Mitchell, T. A.
Molesworth, Sir W.
Morgan, H. K. G.
Morison, Sir W.
Mulgrave, Earl of
Noel, hon. G. J.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Paget, Lord C.
Parker, J.
Pelham, hon. D. A.
Pendarves, E. W. W.
Philips, Sir G. R.
Pusey, P.
Rawdon, Col.
Rice, E. R.
Rich, H.
Romilly, Col.
Rumbold, C. E.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Scrope, G. P.
Seymour, Lord
Shelburne, Earl of
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. B.
Somerville, rt. hn. Sir W
Spearman, H. J.
Stanton, W. H.
Stuart, Lord J.
Stuart, H.
Tenison, E. K.
Thicknesse, R. A.
Thornely, T.
Towneley, J.
Townshend, Capt.
Trelawny, J. S.
Tufnell, H.
Vane, Lord H.
Vivian, J. H.
Wellesley, Lord C.
Wilson, J.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Hill, Lord M.
Grey, R. W.

Bill ordered to be brought in by Lord Robert Grosvenor and Sir Frederic Thesiger.

COUNTY COURTS EXTENSION BILL.

Order for Committee read.

MR. KEOGH moved, that it be an instruction to the Committee to extend the operation of the Bill to Ireland. He had been told that he should have moved for leave to introduce a separate Bill, and that it was not competent for him to move the extension to Ireland of a Bill that had been introduced for this country; but if the House should be of opinion that the provisions of the Bill ought to be extended to Ireland, he believed there would be no difficulty in introducing an Amendment to carry that object into effect. They had already all the machinery for the purpose in operation, as the assistant barristers' courts in Ireland had jurisdiction, in cases of contract, up to *20l.*, and in cases of ejectment up to *50l.* One of the objections to the present Bill was, that there was no appeal from the county courts judge; but that objection could not apply to Ireland, as there was there an appeal from the decision of the assistant barrister to the Judge of Assize, which was found to work well, as the arrangements were such as to prevent over-litigation. He had known in his own experience, persons to have brought actions in the superior courts for *10l.*, and to have put their opponents to *40l.* or *50l.* costs, and it was most desirable that such a state of the law should be put an end to.

Motion made, and Question proposed—

> "That it be an Instruction to the Committee that they have power to extend the provisions of the Bill to Ireland."

Sir G. GREY said, he did not think it necessary to enter at present into the question of how far it was desirable to extend the provisions of the County Court Act to Ireland, as he thought it was evidently impossible that such a question could be decided by an Amendment introduced in a Bill the simple object of which was to amend the Act already in existence in this country. The matters referred to by the hon. and learned Gentleman might be very properly considered in connection with a Bill which his right hon. Friend the Chief Secretary for Ireland was about to introduce, for consolidating and improving the Civil Bill Courts in Ireland. Therefore, in opposing the Motion, he did not wish to be understood as intending to express any hostility to the object which the hon. and learned Gentleman had in view. With regard to the general question, as to the extension of the jurisdiction of county courts, he could only say that, after the House had so decidedly expressed its opinion that the jurisdiction of those courts ought to be extended, it was not his intention to offer any further opposition to the first clause, extending the jurisdiction of county courts to *50l.*

Mr. MONSELL hoped that the Bill to which the right hon. Baronet had referred, with regard to Civil Bill Courts in Ireland, would be introduced during the present Session. If an assurance to that effect were given, he would recommend his hon. and learned Friend to withdraw his Motion.

Sir W. SOMERVILLE said, the Bill to which his right hon. Friend the Secretary of State for the Home Department had referred was already prepared, and if there was any prospect of carrying it during the present Session, it would be submitted to the House.

Mr. KEOGH said, that, after the statement of the right hon. Baronet, he would not press his Motion.

Motion, by leave, withdrawn.

The House went into Committee.

On Clause 1,

Mr. MITCHELL said, he represented on this occasion the sentiments of a committee of gentlemen in the city of London, who watched over the interest of the commercial classes, and were presided over by Mr. W. Hawes. They had directed their attention to this Bill, and the Amendment which he wished to introduce in this clause was one that had been suggested by them. The firm of one of these gentlemen had 12,000 accounts on their books, to an aggregate amount of *50,000l.*, and of these accounts seven-eighths were under *50l.* Another firm had 605 accounts, of which 466 were of the same class. Now, they felt very strongly that the system of paying by instalments, which was generally adopted in the county courts, should not be applied to commercial arrangements. For instance, goods to the value of *200l.* might be sold, to be paid for in four instalments of *50l.* each. If the first instalment were not paid, and an action were brought in the county court, the judge might order payment in six monthly instalments; and if this system were generally applied to such transactions, no person could be sure that his commercial bills would be paid at all. He considered the Bill an excellent one as regarded all persons not engaged in trade, and he should have no objection to the extension of the Bill to persons in trade also, provided the discretion were not left to the judge of ordering the payment of this class of debts by instalments. He begged, therefore, to move the insertion of words at the end of the clause, to the effect that in any action where the defendant was a person subject to the bankruptcy laws for the time being, the court should not have power, without the consent of the creditor, to order that the debt and costs should be paid by instalments, or at any future time.

Mr. W. BROWN was understood to state that as an immense number of trading transactions took place between 20*l.* and 50*l.*, it was important that the defendants should be directed by the judge to pay the amounts owing with all convenient despatch.

Mr. MULLINGS observed that a party was not liable to the bankrupt laws unless he owed 50*l.*

Sir G. GREY said, the effect of the Amendment would be, that the judge would be obliged to order immediate payment in all cases where the debt ranged between 20*l.* and 50*l.*, and that if the defendant were unable to meet that order upon the instant, execution would issue against his goods. He thought some discretion ought to be left to the judge, by the exercise of which the defendant, under certain circumstances, would not be unduly pressed for the payment at once of the entire debt.

Mr. FITZROY: Not having been made aware of the Amendment, he trusted that the proposed addition to the clause would be postponed until the bringing up of the report, and said that in the meantime he would give it due consideration.

The ATTORNEY GENERAL thought caution was necessary before the addition were adopted. In the superior courts, if payment was not made within a week of the judgment, an act of bankruptcy was of necessity committed.

Mr. S. MARTIN said, there was extreme difficulty in determining in this country whether an act of bankruptcy had been committed, and he was anxious to know, supposing the additions to be adopted, how that important fact was to be tried.

Mr. COCKBURN thought nothing could be more easy in framing this clause than to define the circumstances under which a party should be within the bankruptcy laws. If the judge were allowed to extend the period for payment of debts between 20*l.* and 50*l.*, then the creditor would be put in this condition, that he could not proceed with his execution, and so make a man a bankrupt. He believed that one of the most valuable parts of the old Bill was the power it conferred on the judge of making the period of payment accommodate itself to the circumstances of the defendant. It seemed to him that something like a middle course might be taken on the present occasion, whereby some jurisdiction might be given to the judge before execution issued, and also whereby the creditors would have an opportunity of collecting the assets. The question as to whether the party had committed an act of bankruptcy would not arise in the case.

The ATTORNEY GENERAL thought that if there was to be a discretion given to a judge, it ought to be general and for all purposes. If the power to give time was to be limited to two months, the limitation ought to apply to all debts, whether under or over 20*l.*

Mr. W. BROWN considered that though there might be some ground for giving the judge a discretionary power to grant time in the case of a book debt, it was otherwise where a bill had been given. The creditor might be depending upon its due payment in order to meet his engagements.

Mr. COCKBURN said, the discretion hitherto granted to the judges of the county courts had not been abused, and that was one very important reason why it should be continued to be exercised by them.

Mr. MITCHELL would withdraw the addition he proposed, with the understanding that he could introduce it again upon the bringing up of the report.

Clause agreed to.

On Clause 2,

The ATTORNEY GENERAL proposed as an Amendment to strike out the schedule of fees appended to this clause, and to leave them as they stood under the existing Act. There were three classes of fees—the judges' fees, which went to Government, as the judge received a fixed salary; the clerks' fees, which went to the high bailiff; and the clerks' fees, which went to the clerks. He saw no reason for making a graduated scale of fees in this instance. It might be necessary in the case of small sums, and therefore there did exist a graduated scale in the existing Act up to 10*l.*, but he saw no reason for carrying it beyond that. Even of the fees now levied there had been loud complaints, and some of them, he feared, were too well founded. He would therefore propose that the fees now payable for sums above 10*l.* should continue to be payable for sums of 50*l.*

Mr. FITZROY thought the Attorney General was dealing unfairly in this matter; and he hoped that, as the hon. and learned Gentleman was exhibiting a jealous vigilance with regard to county courts, he would turn his attention to the fees paid in the superior courts of this country where he practised, and justice was administered. The doctrine had never been held by the House of Commons, and he believed it never would be agreed to by hon. Members, that the energies of judges should be taxed in the manner this Bill proposed, and that they were not to receive increased remuneration for their time and attention. If the principle was worth anything in actions below *20l.*, it must be worth something in those above it. A man who recovered *19l.* would be much dissatisfied if he had to pay the same fees as a man who recovered *49l.* He was sure the House would never sanction the principle of throwing additional duty on any man without giving him remuneration. The fees were not imperatively fixed by the Bill, for the concluding words of the clause gave power to the Secretary of State, with the consent of the Treasury, to "regulate, vary, lessen, or increase them in such manner as shall seem to him fit." He had no objection to take one uniform scale of fees —the first in the schedule, for instance— and was content to leave the amount of remuneration in the hands of the House; but he would certainly take the sense of the House if the hon. and learned Gentleman pressed his Motion.

Sir G. GREY would remind the hon. Member that the argument of the Attorney General was, that the judges would have to decide on a higher class of cases, but no part of the fees would go into their pockets, as they were paid by a fixed salary. Surely the hon. Member did not think greater acumen would be required in a high bailiff to serve a summons, than in a judge to decide on a case? If an absolute uniformity of fees was established, they might be obliged to make the amount so high that it would not be worth while in many cases to go into court at all. The argument of the hon. Gentleman, that if there was to be no difference in fees between *20l.* and *50l.*, there should be no difference between *10l.* and *20l.*, was of no force, because the officers of the court would have increased duties and fees in proportion.

Alderman THOMPSON would support the Amendment, the fees in the old Act being, as he thought, much too high; and he mentioned cases that were not unfrequent in the neighbourhood of his iron works, where a workman was sued by a shopkeeper for a debt of *5s.*, and the poor man had not only to pay the debt but a fee of *7s. 6d.* besides; and more than that, the bailiff said, that as they were fourteen miles from the county gaol, to which he had the power of conveying the debtor on his apprehension, and as he was entitled to charge *1s.* a mile for travelling expenses if he went there, he would not let him go unless he paid him *14s.* besides for mileage. If the bailiff was entitled under the present Act to make such a charge, he hoped the Attorney General would take care to amend it in the present Bill, and to provide that the bailiff should not be paid for services which were not performed. He saw no reason why there should be a graduated scale of fees because the court had received an extension of its jurisdiction, which he regretted. He thought this was a vicious and a bad Bill; and if it were passed, the time was not distant when the House of Commons would be overwhelmed with petitions for its repeal or modification.

Mr. ROEBUCK said, he wanted to understand the principle of this Bill. It proposed to extend the power of the court from claims of *20l.* to claims of *50l.* He wanted to know if the judge could not be paid a fair sum of money for dedicating the whole of his time to the service of the public, and if there should not be any fees exacted as regarded him? If they could attain to that, what would be the consequence? The small debtor would not be at all affected as to where he was, or what he was. The cases would be determined by a judge who did not practise at all, but who devoted all his time to the court. He (Mr. Roebuck) would not underpay any gentleman; he would appoint an efficient judge, and pay him adequately, and he would not let him be dependent for fees on a poor debtor. He knew the interests at work out of doors on this subject. He could not have come down to the House that night without understanding something of those interests. He had been pulled about by the coat until he thought the coat would have been pulled off him by certain parties; but he hoped the House would not pander to these interests. Let them discharge every consideration of that kind from their minds. What they wanted was the administration of justice. They wanted it cheap and efficient, and of such a sort as that the people would believe it to be justice. He asked the Attorney General if they could not attain that end without a graduated scale of fees? Could they not have a court that would administer justice without reference to the interests by whom he had been assailed in coming down to the House? He denounced the people who had treated him in the manner he had just described. He had heard it said by Gentlemen that the livelihood of barristers would be determined by the vote they came to that night. Why, what had they to do with barristers or attorneys either? It was a disgrace to the country and the House of Commons to be thus assailed. He would say let the judges, and every officer of these courts, be paid by salaries and not by fees.

Sir G. GREY fully agreed with the principle laid down by the hon. and learned Gentleman; it was a principle upon which the Government had long been acting. The salaries of the judges were fixed already, and it was but right that he should remark that the judges had no interest whatsoever, not the slightest, in the amount of business brought into their courts. When the Act was first introduced they had been paid by fees, as the exact amount of duty was not ascertained; but eventually these fees were commuted for salaries, and the judges were given to understand that their whole time should be devoted to the court. The Parliament fixed their salaries at a maximum of 1,200*l.*, but the Government had not thought fit to go to the full extent, and gave them but 1,000*l.* a year, so that, if any necessity arose for it, an increase of 200*l.* per annum could still be made to their salaries. The clerks were also paid by fixed salaries, as far as practicable; but a difficulty had arisen in some cases in fixing the exact amount on which their fees should be commuted, which would, however, he hoped, be got over.

Mr. ROEBUCK: But I want to know, if you buy the whole time of the judge, why do you not buy the whole time of the bailiff?

Sir G. GREY: So far as practicable, that had been done also; but it would require a long statement to explain all the difficulties in the way. Some bailiffs had been appointed for districts; some for portions of districts; in some cases two had been appointed; so that it was impossible at once to commute their fees for any fixed salary, as had been the case with the judges. When the commutation took place, the clerks would be expected to place all their time at the disposal of the court.

Mr. ROEBUCK wished it to be understood that the principle was now established of paying by salary and not by fees.

The ATTORNEY GENERAL said, the principle had been already conceded and fixed by the old Bill. But the salaries of clerks opened up a difficult question. Some of the judges had placed all the business of their districts in the hands of the high bailiffs, whilst others had appointed a clerk in each town. Some had appointed only one clerk, and others had appointed two, dividing the duties between them.

Viscount DUNCAN said, that nothing gave him more concern than to observe the unfortunate course which had been pursued by his hon. and learned Friend the Attorney General on a former evening, in opposition to the Bill, and he trusted that the hon. and learned Gentleman would now give the benefit of his assistance in improving the efficacy of the measure. He (Viscount Duncan) had been requested to move an amendment with respect to the bailiffs' fees. He believed it was a notorious fact that the country high bailiffs were out of pocket by the present scale of fees. If, therefore, the amount was raised from 20*l.* to 50*l.*, the duties and responsibilities of high bailiffs would be proportionably increased, and he contended that they ought, therefore, to have an increase of emoluments. A high bailiff was liable for the property in his charge, and to actions for wrong caption; and he would remind the House, if they expected respectable persons to perform these duties, they must pay them adequately. He should be very well pleased to hear that all parties, judges, officers, and clerks, were paid by salary, and that fees were entirely abolished. He, however, felt it was his duty to draw the attention of the House to the case of the high bailiffs as one deserving of consideration.

Mr. AGLIONBY gave his cordial support to the principle of the Bill, which he took to be the relief of small debtors from the courts of common law and Chancery. He admitted that the hon. Gentleman the Member for Lewes had in the main followed the principle of the former Bill, and it was to be hoped that the Government would adopt the plan of paying those who laboured, and none other. On the whole, he thought that the House and the country were deeply indebted to the hon. Gentleman who had introduced the present

Bill. If it passed into a law, it would produce many beneficial results, and he did not apprehend that any of the predictions which they had heard from the hon. Member for Westmoreland would be fulfilled. It was difficult to suppose that any one could deny the fairness and expediency of enabling the poorer classes of society to obtain justice without loss of time or waste of money. It was also very clear that if they imposed additional duties upon the judges or the officers of those courts, they ought not to refuse those gentlemen additional remuneration. One of the oldest and best economists in that House—he meant his hon. Friend the Member for Montrose—had often said that though he would pay no man for doing nothing, yet he would not expect any man to labour without adequate reward.

Mr. COCKBURN avowed himself favourable to the Bill, but objected to the schedule of fees, which he hoped the hon. Gentleman would withdraw. They were actually larger than the fees in the superior courts. The object of the House was to obtain not only speedy justice, but cheap justice. If the old fees had been found insufficient, that would be a reason for increasing them; but it was not so. He believed, on the contrary, that the right hon. Chancellor of the Exchequer had probably somewhere about 30,000*l.* as surplus. Now, he thought that all taxes on the administration of justice were vicious in principle, and ought to be discontinued. There could be no ground for adding to the scale of fees, and he hoped the hon. Gentleman would withdraw his schedule.

The ATTORNEY GENERAL agreed that it would be advisable to reduce the fees to the poorer classes as low as possible. The Government had been long considering the best mode of doing it. It had been under their consideration for a good while before the introduction of the hon. Gentleman's Bill.

Mr. FITZROY was loth to proceed contrary to the declared opinion of the House: he would therefore accede to the proposition made by the hon. and learned Attorney General. He wished, however, to observe that if they put the clerks upon fixed salaries, and if they took the present average of fees, nothing would be more unfair than to leave those salaries without increase in the event of increased labour being imposed upon those functionaries; for example, adding the insolvency cases in the country, and the charitable trusts, besides the 50*l.* extension. Under present circumstances very few of the judges practised at all, and scarcely any within their own districts. Then there was a further injustice as to the fees. The salaries of the judges were generally 1,000*l.* a year, the average of their fees was 1,400*l.*; why was the surplus seized on by authorities who had no right to appropriate it? The travelling expenses of the judges were very considerable, often absorbing half a year's salary at a time, which imposed on some of the judges the unseemly practice of running up long bills, and leaving them for a considerable time unpaid. Then the sums granted for travelling expenses were too small; 15*s.* a day was by no means sufficient. An attorney in the most severely-taxed bill of costs was allowed 1*l.* a day. With such an allowance it could not be said that those judges were able to travel on as good a footing as ordinary commercial travellers. There was another point which he wished to notice, namely, the sum paid before a suitor could proceed; at present it was 1*s.* in the 1*l.* Now, he thought it ought to be lowered to 2½ per cent. Having said so much, he should withdraw his opposition to the Amendment.

Mr. CHRISTOPHER said, at present an experiment was being made by these courts, and it was not as yet clearly ascertained what the proper scale of fees ought to be. Now with respect to the appointments, all he could say was that gentlemen of high legal attainments had been readily found to fill posts of even higher responsibility than those of judges of county courts. He hoped Government would not be induced to increase the salaries of the judges, and if there was a surplus from fees, that suitors would have the benefit by being required to pay a less amount of fees.

Sir G. GREY merely wished to say that what the hon. Gentleman now stated about a breach of promise on the part of the Government towards these judges, was not exactly correct. The hon. Gentleman having made the same statement to him (Sir G. Grey) in private, he referred to the records of that House, and found that he had distinctly stated in answer to a question that the maximum was to be considered not as the fixed amount of salary but as a maximum, and that the amount of salary would be fixed by the Government according to circumstances. There was never the slightest intimation given that the maximum amount of salary would be the amount fixed upon. He denied that he had promised that any augmentation of the salaries should take place: what he said was, that the salaries should be considered. Speaking from experience, he should say there was not the slightest difficulty in obtaining able and efficient men at the salaries fixed. The hon. Gentleman had stated that they did not treat the judges as gentlemen, inasmuch as they only allowed them 15*s.* a day for travelling expenses besides 1*s.* 6*d.* a mile. Now that sum exceeded the allowances paid to general officers when travelling, and he thought it was amply sufficient.

MR. CARDWELL said, that the right hon. Gentleman the Secretary of State for the Home Department would have the power of increasing the salaries of these judges, and Parliament ought not to interfere with his discretion, and compel the right hon. Gentleman to increase these salaries, whether he thought it expedient or not. Such a course would be equally unprecedented and improper. He thought the right hon. Gentleman might surely be trusted with this power; and if he thought the salaries were not sufficient, he would raise them.

MR. ROEBUCK said, that the salary of 1,000*l.* a year for the judges was in a great many cases quit a godsend, and that they were exceedingly well paid. If there were any case in which it was proper that a larger salary should be given, the Secretary of State had the power in his hands. Look at the similar cases of barristers in Ireland. These gentlemen had a great deal more to do than the judges of county courts. They tried torts up to 20*l.*, replevins up to 50*l.*, ejectments up to 50*l.*, and had criminal jurisdiction besides. Their salary was 400*l.* a year; they had 100*l.* a year besides as revising barristers, and they had fees which he would put down at the highest possible figure—500*l.*, making 1,000*l.* altogether. He was the last to desire to put down the really working man, but he had a right to ask what they could get the business done for. He said that 1,000*l.* a year was an ample and a generous salary. And don't let them have any appeal to sentimentality. The hon. Gentleman talked about travelling expenses being 500*l.* a year. 500*l.* a year for travelling expenses! Why, he could travel from one end of the kingdom to the other, from London to Carlisle, by railroad, in a first-class carriage for less than 3*l.* Good God, what was the meaning of 500*l.* a year for travelling expenses? 1,000*l.* a year he took to be an ample salary; and if if it were not, he took it for granted they would next year have complaints in that House that justice was not administered as the public desired.

MR. HUME said, they were now considering whether one schedule or another should be adopted. They were all in favour of the Bill, but he thought that the scale of fees for plaints under 10*l.* should be less in proportion than for plaints above 10*l.*

SIR G. R. PECHELL thought the scale of allowances for the travelling expenses of the judges was too low. They ought not to compel a judge to associate in the commercial room with a bagman. Lords of the Admiralty, when they travelled, were not restricted to 15*s.* a day.

LORD D. STUART said, that if the Government really desired to carry economy into the administration of the county courts, they would get rid of the treasurers, who discharged no heavy duties. The truth was the Government did not like to get rid of them; they were paid out of the Consolidated Fund, and the appointment placed a large amount of patronage at the command of the Government. It would be better to make some arrangements for dispensing with these treasurers, and the county courts would get on perfectly well without them. In many cases the clerks of the courts had very little to do, and it would be an excellent plan to join their duties to those of the treasurer. The Act provided that the offices of treasurer and clerk should never be held by the same person; but that was a mistake. At present the clerks and bailiffs were, in many instances, carrying on their duties at an expense to themselves. It might be asked why, if this were the case, they did not resign? The reason was that they entertained the hope that the Treasury would perform the promises which it had again and again made to them; and but for that hope they would, he believed, in many cases, surrender their offices. He hoped that the system of indirect taxation practised in these courts would be put an end to. He would ask the hon. and learned Attorney General whether he considered the judges in the county courts overpaid or not? If they were not overpaid, why should he impose upon them additional duties? and, if they were overpaid, then, with whom did the fault lie, but with the

Government? He believed the Bill would be of advantage to the country, and therefore he hoped it would pass; indeed, so great was the anxiety of the country at large for such a Bill, that he believed they would have it on almost any terms.

Sir G. GREY repeated the statement he had formerly made, that he had never made any distinct pledge on the part of Government that at any future time clerks and bailiffs should be paid by salaries instead of fees.

Mr. COCKBURN said, the operation of the proviso would be, that Government would have the power of paying by salaries instead of by fees. Now great inequalities existed with regard to the emoluments of county court clerks. There were 89 of them who received less than 50*l.* a year each; 90 receiving between 50*l.* and 100*l.*; 125 received between 100*l.* and 500*l.*, and 27 above 500*l.*; and of these 27 Government had reduced 15 to 500*l.* a year. Now, it did apoear to him that clerks of county courts ought not to be limited to a salary of 50*l.* a year. The system of the court was to order payment by instalments, and parties were calling at the office day by day and hour by hour to pay those instalments, and the clerk was obliged to keep a clerk to attend on these persons, and a salary of from 50*l.* to 100*l.* was not sufficient. The object should be cheap justice, but that should not be carried so far as to lead to the employment of inefficient persons. The hon. and learned Member for Sheffield had given expression to an unworthy sneer, about 1,000*l.* a year being a godsend to many of these judges; his hon. Friend could not help sneering. At the same he would say, if 1,000*l.* was sufficient, do not pay more; but on the other hand, do not let 100*l.* or 200*l.* a year prevent their getting efficient men. At the present time some of these judges had a good deal of time on their hands, and some of them practised to a considerable extent. By imposing these new duties upon them, their time would be sufficiently occupied. They could not practise, and it appeared to him it would not be just to give them no more salary; at the same time he thought that was a matter that should be left to Government.

Mr. HUME thought they should leave the matter entirely with the Government. It was very easy to raise salaries, but it was not so easy a matter to reduce them. The noble Lord the Member for Marylebone spoke of the vast amount of patronage enjoyed by the Government in the appointment of the treasurers. Now, sixty courts had been established, and as many treasurers might have been appointed; but he believed that only nine had been appointed for the whole country.

Mr. AGLIONBY could not put trust in Government with regard to raising the salaries, inasmuch as the right hon. Baronet the Home Secretary had intimated very plainly that he had not the slightest intention of raising the salaries on account of the additional duties to be imposed on the judges. He thought it would be exceedingly unfair not to increase the remuneration when the duties were to be so much increased.

The ATTORNEY GENERAL said, that he had prepared a clause to provide for that.

Mr. J. EVANS said, that if the judges who had liberty to practise, with their salary of 1,000*l.* a year, had so much extra business forced on them that they could not practise elsewhere, it was only fair that their salaries should be increased. If this was done, they might with great advantage have a power in small cases similar to a judge in equity.

Sir G. GREY wished it to be distinctly understood that he had never said that in no circumstances should any increase in the salaries take place. All he had said was, that from the information which Government at present possessed on the subject, he was unable to say that it would be their duty to increase the salaries. He understood from the Lord Chancellor that the county court judges were distinctly informed by him that they would be expected to devote their whole time to the duties of their office, and might be charged with additional duties; and he certainly did not see that any of them were entitled to compensation on account of the loss of their practice.

Mr. ROEBUCK understood the right hon. Gentleman to say, that these gentlemen were distinctly told by the Lord Chancellor that their whole time was to be employed in the service of the Government, and that if additional duty was imposed upon them they could have no claim for additional salary. If that were so, then the case of these gentlemen was at once settled.

Sir G. GREY repeated the statement. As to the remuneration which the county court judges received, some of them were paid more than the amount of fees received by them before the commutation took place, and some of them less. The maximum salary fixed by Parliament was 1,200*l.* a year; but as yet the Government had not seen it right to give more than 1,000*l.* a year.

Mr. AGLIONBY asked if it was not the case that men who had given up lucrative situations and accepted these judgeships, and who, when paid by fees, were in the receipt of 1,400*l.* or 1,500*l*, a year, had been reduced to 1,000*l.* a year?

Sir G. GREY said, those gentlemen, when appointed, received an intimation that at the earliest possible period payment by fees would be abolished, and payment by salaries substituted. Some of them, no doubt, received fees to a much larger amount even than the maximum salary fixed by Parliament; but it surely never was contemplated that the salary should be equal to the highest amount of fees received. The only matter for regret was that they had not been able to carry the commutation into effect sooner.

Mr. CLAY asked if they could expect to get competent men to fill these situations, when they were found to be overwhelmed with work? His belief was that they would not, especially at such salaries as it was proposed to give them.

Mr. T. EGERTON said, that he conceived the whole time of the judges was to be devoted to their duties. The magistrates of his county (Cheshire) considered them liable to act as chairmen of the quarter-sessions. In these days of economy it was most desirable that this should be the case.

Mr. MUNTZ thought the judges were amply paid with 1,000*l.* a year. He would leave it to the Government to raise the salaries if they thought proper.

Mr. BROTHERTON said, there were many complaints of the fees being excessive. He was glad the proposed scale had been withdrawn. The increase might safely be left to the Government, who, in his opinion, were the best guardians of the public purse. Any one listening to this debate might have supposed that this Bill was not one brought forward to benefit the public, but solely for the advantage of certain individuals.

Clause 2 agreed to. Clause 3 was struck out.

On Clause 4,

The ATTORNEY GENERAL said, that by the present law the plaintiff was required to bring his action in the court which had jurisdiction over the place where the defendant resided; it was now proposed to allow the plaintiff to issue process from the court of the district in which he himself resided. The question which the Committee had to consider was, whether it was fitter that the creditor should follow his debtor, or whether the debtor should be required to attend to the summons of the creditor in the district in which the creditor resided.

Mr. CROWDER said, he should move the omission of the clause. Nothing could be more monstrous than that a person living in Cornwall should have the power of compelling a debtor who lived at York to appear in the Cornwall court. He disapproved of the whole principle of the Bill, but had not the opportunity of opposing it on the second reading.

Mr. FITZROY said, he had endeavoured to consult the interest of the defendant in the framing of this Bill. Suppose the plaintiff resided in London, and the defendant in Cornwall, and the defendant, at the trial, should not deny the debt: if the plaintiff were obliged to take all his witnesses down to Cornwall, that would put the defendant to a great expense for costs; whereas if the trial took place in London, no such costs would be incurred.

Mr. MITCHELL saw no reason for considering the defendant more than the plaintiff. Why should not a defendant at York be made to appear in Cornwall, as well as a Cornwall plaintiff be compelled to sue at York? In his district, a number of small debts were lost, because the parties could not afford to sue at a distance.

Mr. ROEBUCK thought the rule ought to be to lay the venue where the contract was made. It was probably true that in a majority of cases the creditor had right on his side; but by requiring him to sue in the place where the contract was made, it would be fair to both parties. It was in accordance with the general principle of the law, from which he saw no good reason for departing.

The ATTORNEY GENERAL said, this was a very simple rule, where the contract was made in writing; otherwise the question became a very nice one; it arose frequently in the courts at Westminster, and was a very complicated one. The principle of the old Bill was to give a cheap remedy. Where the parties were not at more than twenty miles distance, the creditor must sue in the court of the debtor; where the distance was greater, the rule did not obtain. It was most desirable to frame the clause so as not to work hardship to either party. On the whole, he thought the best course would be to strike out the clause, and give the party the option of suing in the superior courts.

Mr. ROEBUCK advised the hon. and learned Gentleman to give these courts the same discretion as to costs as the superior courts had.

Mr. AGLIONBY said, that debtors might remove purposely to avoid being sued. He would give the judges power to decide whether a plaintiff should sue where he resided, or should follow a defendant to his district.

Mr. COCKBURN suggested a middle course. The question was, on which side the inconvenience lay. The plaintiff had to establish his case by witnesses or by his books, and therefore, *primâ facie*, the inconvenience would be with him if he was compelled to take them to a distance. Some latitude ought, therefore, to be given to the plaintiff to bring his suit in the district in which he lived. On the other hand, it would often be inconvenient if the plaintiff had the power of bringing the defendant from a great distance. It had been suggested to leave the matter to the judge. That seemed reasonable, though there was some objection to allowing the judge of the district in which the plaintiff resided to have the decision, for he would only have an *ex parte* statement to guide him. He should therefore suggest, the plaintiff should be entitled to sue the defendant in the district in which he lived, if the judge of the district in which the defendant lived, on a case being submitted to him by the plaintiff, should so decide.

Mr. CARDWELL was as anxious as any person could be to give an efficient remedy to the plaintiff where his case was *bonâ fide;* but suppose a man set up a claim in a county court against a person with whom he had no transaction, and who lived in London, why the expense of going to York, for instance, would be greater perhaps than the entire demand was worth, and consequently the practice, if adopted, would open the door to a system of fraud.

Mr. MITCHELL said, he thought the judge who was to try the merits of the case ought to be entrusted with the discretion of fixing the locality in which it was to be tried.

Mr. CROWDER objected to the course proposed by his hon. and learned Friend the Member for Southampton. The question was being argued on the supposition that the plaintiff was always in the right, and the defendant in the wrong; but this Bill gave a power to parties to apply to these courts in cases of contracts, and it might happen that where such parties disagreed, one might for mere annoyance drag the other into the court of the district where he himself resided, though it might be many miles from the defendant's residence.

Mr. HATCHELL wished, as the principle of this Bill might be adopted in the measure that was about to be brought in for Ireland, to state, that at present, as regarded the local courts in that country, a defendant must be sued in his own locality; and when they spoke of the difficulty imposed on the plaintiff in such a case, the Committee should recollect that the principle and object of this Bill was to give to plaintiffs a considerable benefit by enabling them to sue for debts which they could not sue for now, except at a ruinous expense in the superior courts of Westminster. If the present clause were adopted here, it would perhaps be adopted also in Ireland, and cases might happen in which a man in a humble station of life in Cork or Tipperary might be sued for 5*l.* or 10*l.* in a court 100 miles off, and would rather submit to the claim, though it might not be just, than go to the expense of resisting it,

Mr. MULLINGS said, that they had to decide in the present case where the balance of difficulty was very nearly equal. But as it was generally presumed that the balance inclined in favour of the plaintiff, he thought that the action should be tried in the district in which he resided.

The ATTORNEY GENERAL said, that the difficulty was in a great measure got rid of because the defendant could be sued, by leave of the judge, in any county where he resided, if the action was brought after six months, or he could be sued where the cause of action arose.

Mr. AGLIONBY did not think the hon. and learned Gentleman had got rid of the difficulty. He thought the action should be brought where the plaintiff resided.

Mr. P. WOOD considered that the difficulty arose from the extension, in which he concurred, of the jurisdiction from 20*l.* to 50*l.* Persons at York might sue a party in London for a pretended claim of some 10*s.* or 15*s.* He would take a case that frequently happened, of a person leaving some publication at your house, and pretending that you had subscribed for it—and it would be hard in such cases to oblige a party to go to York to defend himself against such a claim. Now, he was generally opposed to a middle course, but he thought that this was a case in which it might be taken, namely, that in all actions for debts between 20*l.* and 50*l.*, which might generally be considered as *bonâ fide* debts, the plaintiff should have the power of suing the defendant in the district in which he (the plaintiff) resided.

Clause withdrawn, on the understanding that a new one should be proposed on the bringing up of the report.

On Clause 5,

The ATTORNEY GENERAL expressed his objection to it, on the ground that it would tend to increase the expense of proceedings. In his opinion one main cause of the well working of the county court system was the limitation of fees by Act of Parliament.

Mr. FITZROY wished to ask the hon. and learned Attorney General, if a respectable attorney could be found to practise in these courts at a fee of 15*s.*? If they extended the jurisdiction of these courts, surely they might, in order to secure the attendance of respectable solicitors, increase the rate of remuneration.

Mr. ROEBUCK said, the clause set forth that no person should be heard unless he were an attorney, or barrister, or a person instructed by an attorney, with the permission of the court, so that it was evident there would be no preaudience. It struck him that a question then arose which it would be well for that House to decide, and which was this. He believed that, by the alterations which this Bill would cause, there was certain to be created a provincial bar in this country, the effect of which would be, in a great measure, to interfere with the London bar. They would have a small provincial bar, which would be composed, according to the provisions of the Bill, of barristers and attornies. That being the case, he thought it would be well to introduce amongst that bar those finer feelings, and that nice sense of honour, which he (Mr. Roebuck) demanded to be acknowledged as the distinguishing characteristics of the bar of England at present. It would be a great mischief to break down the honour and respectability of that bar; and, therefore, he thought the end and object to be desired, namely, the honour and integrity of the bar, would be attained by the clause under discussion.

Sir G. GREY objected to the clause, and said it was the first time such a duty as the regulation of fees to practitioners in courts was sought to be imposed on the Lord Chancellor. He, therefore, thought it better to adhere to the restrictions made by Parliament, and assign a maximum.

Mr. W. MILES said, they had the strongest possible reason to rely on the decision of the Lord Chancellor, as being the highest authority in legal matters in the realm. He, therefore, hoped and trusted his hon. Friend would stand by the clause, and that the Committee would not mix it up with the provisions of the clause which followed it.

Mr. COCKBURN suggested the insertion of some words which would limit the regulations of fees by the Lord Chancellor to cases between 20*l.* and 50*l.*

Mr. LAW said, that as the Act had been extended from 20*l.* to 50*l.*, he could assure the House that no respectable practitioner would come into court in such cases at a fee of one guinea. If they compelled the plaintiff, then, to go into one of these courts with an action for the recovery of 50*l.*, why forbid him to engage the services of counsel, unless those services could be obtained for a guinea?

Sir G. GREY suggested that, as his hon. and learned Friend the Member for Southampton had not succeeded in framing a clause which would meet the difficulty of the case, the better course would be to allow the whole of the clause to be negatived, with the view, after due consideration, of bringing it up on the report of the Committee. If the Committee divided on the clause at present, he believed that they would be unable properly to understand what it was that they were dividing about.

Mr. COCKBURN proposed that the whole of the first part of the clause, which was merely a recital of the 9 & 10 Vict., c. 95, should be struck out, and he would then suggest the insertion of some words which would, in his opinion, meet the case.

The first part of the clause was accordingly struck out of the Bill.

Mr. COCKBURN then moved the insertion of the words he had proposed.

Amendment proposed—

> "Page 4, line 28, after 'Enacted, that,' to insert the words, 'in all cases where the demand shall exceed twenty pounds in Actions of Debt, and five pounds in Actions of Tort.'"

Mr. MITCHELL said, that as it still

involved the same principle as that to which the Government had previously objected, he could not understand upon what ground they could accept the Amendment.

SIR G. GREY objected to the insertion of the words, inasmuch as they would have the effect of laying down a totally different principle with respect to the regulation of fees above *20l.*, as compared with sums under that amount. It was, also, in his opinion, objectionable to impose upon the Lord Chancellor the duty of regulating the fees in these courts. If the Committee thought that the maximum fees fixed by the existing Act in cases of *20l.* ought to be increased in cases of the proposed higher amount, it was the duty of the Legislature at once to fix what should be their amount, as it had done in the already existing Act.

Question put, "That the proposed words be there inserted."

The Committee divided:—Ayes 66; Noes 162: Majority 96.

Clause, as amended, agreed to.

Clause 6 struck out.

On Clause 7,

MR. CROWDER said, that the object of this clause was to make it imperative on the plaintiff to sue in the district court in cases of debt or cost under *50l.*, or at least if he resorted to a superior court the judge was to have the power of refusing costs. It might not suit the taste of some plaintiffs to resort to the county court, and there was a great difference of opinion amongst judges as to the merits of the cases which came before them. He proposed, therefore, that it should be optional with the plaintiff whether he would sue in the superior court or in the county court. The House should not forget that barristers of seven years' standing might be judges of the county courts; and that, if they happened to be ill or unavoidably absent, they might nominate as their deputies barristers of only three years' standing, who would perhaps have to decide questions as important as any that were decided in Westminster Hall. This Bill professed to give advantages to plaintiffs to recover debts speedily, and he feared that some hon. Members looked upon it as merely a Bill to settle undisputed debts. It was more than that, and he objected to this clause, because it did not give the right of appeal to a plaintiff who failed in his action, and allowed a defendant, in case of his failing, the right of appeal on his lodging the money in court. He would propose, then, that the whole of this clause should be expunged, as he thought it should be in the option of a plaintiff, in cases where the sum was not above *50l.* or under *20l.*, to sue in the courts of Westminister, or the inferior courts, just as he thought fit.

The ATTORNEY GENERAL said, that he considered that the limit placed at *50l.* was one of the chief principles of the Bill. He thought that the sooner they should settle whether it was placed at *50l.* or *20l.* the better. There might be various cases in which it would be requisite to extend it to *50l.* on debts and demands; but that was an open question as far as he was concerned. It was a matter worthy of consideration of the Committee whether or not by this Bill they would be encouraging parties who might be every night engaged in public-house squabbles, to get up trumpery cases of assaults. Another question was whether they should go back to the old system of *5l.*, or adopt the *20l.* limit as the limit.

MR. ROEBUCK said, that if certain consequences followed in the case of *5l.*, why should they not make the matter so that the same consequences would follow in the case of *20l.*? He wished that Gentlemen on his side of the House should not think that they were by these proceedings merely taking steps to injure this person or that, but they were revolutionising the whole system of jurisprudence in this country. He himself was prepared to take that step, and accepted the *50l.* principle.

MR. FITZROY said, that he was prepared, if the Committee required it, to make a modification, and make it *10l.* instead of *20l.* as regarded costs.

MR. AGLIONBY said, he was prepared to abide by the Bill as it stood, and was sorry that the hon. Member who proposed the Bill should show such a want of confidence in it.

MR. HUME hoped that the hon. Member would allow of *20l.* being inserted.

MR. FITZROY said, that he had only inserted the sum of *10l.* out of deference to what he conceived to be the opinion of the House. He should prefer *20l.*

The blank to be filled up with the sum of *20l.*, was agreed to.

Clause, as amended, agreed to.

Clause 8, was struck out. Clauses 9, 10, 11, agreed to.

Clause 12 withdrawn.

Clause 13 struck out.

The ATTORNEY GENERAL brought

up the several clauses of which he had given notice.

Mr. HENLEY objected to proceeding with new clauses at that hour.

Sir G. B. PECHELL hoped the hon. and learned Gentleman did not seriously intend to press the House to decide upon these clauses now. One of them at least he intended to oppose, and some time ought to be given. They should be brought up on the report,

Mr. COCKBURN said, that the clauses were valuable additions to the Bill, but thought the consideration of them should be postponed if there was any opposition to them.

Mr. HENLEY then moved that the Chairman report progress.

Sir G. GREY said, that an understanding that the Bill was to be reprinted, and that the House should again go into Committee on the new clauses, would possibly meet the views of hon. Gentlemen.

Mr. HENLEY said, he would agree to the suggestion if the hon. Member who had charge of the Bill would concur in it.

House resumed.

Bill reported; to be printed, as amended.

Re-committed for Thursday 16th May.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, May 3, 1850.

MINUTES.] PUBLIC BILLS.—2^a Indemnity. 3^a Pirates (Head Money) Repeal.

IRISH POOR LAW COMMISSIONERS.

The MARQUESS of WESTMEATH presented a petition from the board of guardians of a union in Ireland, complaining of arbitrary conduct on the part of the Poor Law Commissioners. The petitioners stated that the Roman Catholic clergyman had applied to the Commissioners for an increase of salary, and several communications had passed between them and the guardians; the latter body remonstrating against the advance of salary, and representing that it was against the will of the ratepayers. The Commissioners, however, issued what was called a "sealed order," which compelled the guardians to increase the salary, no reason having been given for such increase, except the allegation of the clergyman himself, that he was not sufficiently paid for the work he did. The noble Marquess observed, that it appeared from these circumstances, that the effect of these "sealed orders" was to surrender the purses of the ratepayers to a couple of hooded serpents concealed in Dublin. He had a great respect for the constitution; but he would rather live under a despotism than in a country where a set of Poor Law Commissioners were invested with an irresponsible power, which enabled them to pick the pockets of Her Majesty's subjects. He moved for the production of the correspondence between the board of guardians and the Poor Law Commissioners.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 3, 1850.

MINUTES.] *Reported.*—Court of Chancery (Ireland).

THE FACTORY QUESTION.

LORD ASHLEY: As I see my right hon. Friend the Secretary of State for the Home Department in his place, perhaps he will be good enough to allow me to put the question to him of which I gave notice last night, when, owing to the lateness of the hour, it was impossible for me to introduce the question of the Ten Hours Factory Bill. I then gave notice that I would to-night ask my right hon. Friend for some explanation as to certain rumours which are current as to the intentions of Her Majesty's Government upon this subject. It has been reported that Her Majesty's Government have some intention of proposing a scheme of their own in reference to the factory question; and I think it is most desirable that the country should know as soon as possible whether that rumour be true, and that this House should as soon as possible have a general outline of the scheme to be proposed. I therefore take the liberty of asking my right hon. Friend if there is any truth in that rumour, and, if it be true, whether he is willing, in general terms, to give the House and the country an explanation of what Her Majesty's Government intend to propose?

SIR G. GREY: Sir, I have, as was my duty, given much careful consideration to the question of what would be most practicable and least injurious to all classes, in any amendment of the factory laws, and at the same time consistent with the object that my noble Friend himself has in view. My noble Friend stated a few nights ago very candidly that he had experienced difficulties he had not anticipated in carrying out his own object, and that he had been obliged, after repeated attempts, to abandon the intention he originally entertained of proposing that there should be, practically, a declaratory Act, with the view of realising the intentions of the Act of 1847; and he now finds himself compelled to propose to Parliament new restrictions which were not included in the previous Act. Under these circumstances I think it is my duty, and the duty of the House, to consider what those amendments ought to be, with regard to all the important interests that must be affected by these laws. I stated, in addressing the House upon the Motion of my noble Friend for leave to bring in his Bill, that I did not think it would be possible—at all events I thought it would be extremely difficult—to carry it out successfully while the range of fifteen hours was left untouched, within which the limitation of ten hours, prescribed by law as the time for the employment of women and young persons, was to take effect. Subsequent reflection, and communication with various parties upon the subject—and when I speak of various parties, I mean parties holding different views with regard to the policy of the existing limitation — have confirmed me in that opinion. I therefore feel it my duty to lay before the House a plan, which, after full consideration, I think consistent with the spirit of the Act of 1847, though certainly not with the letter, and which, I think, will more effectually carry out the object of my noble Friend than the Bill he himself proposes, and be more acceptable to the great body of the manufacturing interests. When I say acceptable to the great body of the manufacturing interests, I am also assured, by persons in whom I place confidence, that if passed into a law it will be acceptable to the great body of the operative classes. The plan will be this—to substitute for the existing restriction on the number of hours during which women and young persons may be employed, a new limitation or definition of the hours within which they shall be employed. The House is aware that the law, as it stands at present, fixes those limits between half-past five in the morning, and half-past eight in the evening, during which those persons may be employed ten hours. What I should propose to do would be to substitute for this restriction upon the hours of labour, a limitation from six in the morning to six in the evening, within which the labour of women and young persons may be legally performed. This would apply to five days only in the week; and, with regard to Saturday, I should propose to fix the limitation between six in the morning and two in the afternoon. Perhaps this plan would be better understood, if I were to state what would be its effect. At present the class of young persons and women may be employed ten hours in the day during five days, and eight hours upon the Saturday, making altogether fifty-eight hours in the week. Under the alteration in the law—if it should be assented to by Parliament—they would be liable to be employed between six in the morning and six in the evening, which would be ten hours and a half, deducting the hour and a half for meals. They, therefore, might be employed during five days in the week fifty-two hours and a half instead of fifty, and on Saturday half an hour less than under the existing law, the day ending at two o'clock. On the one hand, although during the week this class would be employed somewhat more than under the existing law, on the other hand they will gain this advantage—they will have half an hour in the morning between half-past five and six o'clock, at their own disposal; they will have, undisturbed, the whole evening after six o'clock at their own disposal; and on Saturday, after two o'clock, the whole day at their disposal. There will be one or two other enactments that would be consequent upon this, but they are comparatively unimportant; and I do not want now to enter into any argument upon the subject. I am aware that on this question there may be objections which I have not anticipated; but I shall feel it my duty, in answer to the suggestion, to lay this proposal before the House in the form of a clause, which I shall move as an Amendment upon the clause of my noble Friend when we go into Committee. I will only say I make this proposal, believing it to be consistent with the spirit and object of the existing law. I make it in no spirit of opposition to my noble Friend's attempts to remedy existing defects; and I only trust that the question will be discussed in the calm and considerate manner which its interest deserves.

Mr. HUME deprecated all interference between masters and workmen, and contended that mischievous results would follow from the course proposed to be taken. He regretted that the Government, which had seen the results of interference between capital and labour in another country, should have proved so irresolute and weak as to allow themselves to support such a proposition. It was impolitic to take from the workman the power of regulating his own labour, and he could only deprecate all such attempts in the strongest terms he could use.

LORD J. MANNERS, without wishing to enter into a discussion upon the subject, entirely dissented from the principles enunciated by the hon. Member for Montrose.

MR. EDWARDS, in the name of his constituents and of the factory operatives throughout the kingdom, protested against the course the Government had thought fit to take, and to assure them that no such compromise as that proposed by them, no increase of the daily toil of women and children to the extent of two hours, would be accepted by the people of England. The opposition to an Act passed by large majorities of both Houses of Parliament, originating with a few interested persons, ought not to have been entertained. There could be no doubt as to the intense feeling in favour of this measure throughout the manufacturing districts, where the universal desire was that the Government should, without delay, frame a Bill that would confirm and ratify the real intention of the framers of the Act of 1847.

MR. W. BROWN observed that the Bill at present stood for Wednesday; but he hoped the discussion would not come on upon that day, as in that case no time would be afforded for the consideration of the Amendments. He suggested that it should be postponed till Wednesday week.

LORD ASHLEY, in reply, said that as soon as he received the printed clauses of the Government he would determine what day he would appoint.

Subject dropped.

DISTRESSED UNIONS ADVANCES AND REPAYMENT OF ADVANCES (IRELAND) BILL.

Order for consideration of Bill, as amended, read.

Mr. CLEMENTS proposed to add an Amendment at the end of Clause 3.

Amendment proposed, page 4, line 22, after the word "Annuity," to insert the words—

> "Provided always, that at the time such annuity shall be fixed, it shall not exceed sixpence in the pound on the net annual value then existing of the rateable hereditaments of any town-land or other denomination, unless by such limitation the debt would not be paid off in forty years."

He complained that the Government had acted with great harshness in the enforcement of repayments, paying no sort of regard to the distressed condition of the country.

The CHANCELLOR OF THE EXCHEQUER appealed to the House whether the conduct of the Government towards Ireland for the last three or four years ought to be characterised by harshness. The limitation upon repayments which had been imposed by the Treasury, had been, on the contrary, marked by the utmost consideration to the distresses of the unions; for whereas, under the Act, the Government was authorised, and indeed called upon, to require repayment in two sums, the Treasury had limited these repayments to 3*s.* in the pound of the rates collected. He trusted the House would not interfere with the discretion which the Government had exercised with so much moderation. There were parts of Ireland quite as well off as any parts of England, yet the rates were paid here without grumbling.

SIR R. FERGUSON said, that out of 25,000*l.* raised in rates in Leitrim, 13,000*l.* was claimed by the Government, and yet the Chancellor of the Exchequer was astonished that the hon. Member should complain. He did not think that, whether or no they agreed to this proviso, they were likely to get more than 6*d.* in the pound.

MR. TRELAWNY thought that some hon. Gentlemen seemed disposed to repudiate these advances; and the hon. Member for Leitrim had said that the Chancellor of the Exchequer ought not to ask for the repayment of more than 6*d.* in the pound at a time, because he was not likely to get more. If, as they had been told, Irish Members did not regard these advances as a boon, he was quite prepared to reject the Bill.

MR. STAFFORD observed, that the question whether the Bill was a boon to Ireland or not, stood, as he apprehended, upon this ground—Providence had afflicted that country with so severe a visitation that some of our fellow-subjects were in danger of starvation. The Government, under these circumstances, came forward, and with the consent of Parliament made an advance of money to relieve the distress of Ireland; but how far that measure was to be considered an act of kindness to Ireland depended mainly upon the value that hon. Gentlemen might attach to their fellow-countrymen. For his own part, he denied that any effort to save the life of a fellow-creature could be regarded as a boon. Some surprise had been expressed that English capital should not be applied to develop the resources of Ireland; but what capitalist would invest money in that country when he found, that after the liabilities of landowners had been, as was supposed, finally settled, Parliament passed new measures increasing those liabilities? He regarded the third clause, to which the hon. Member for Leitrim had proposed to add the proviso, as involving a gross violation of the principle of local self-government; and he was satisfied that no Government had ever asked for such enormous powers as would be conferred upon the Treasury by that clause. He thought the clause most objectionable; and, although he knew its opponents would be defeated on this occasion, he hoped those hon. Gentlemen who might vote in its favour would, in justice to their own constituents and to their Irish fellow-subjects, previously to the bringing up of the report, consider the powers which it proposed to confer upon the Government.

Mr. F. FRENCH said, it had been stated that there were some districts in Ireland which were as well off as any parts of this country; but it could not be contended that those portions of Ireland to which the Bill would apply were in such a favourable position. He thought it most objectionable to give to the Government the large discretionary powers which this clause would confer upon them, and he would therefore support the Motion of his hon. Friend the Member for Leitrim.

Mr. CONOLLY considered, that it would be manifestly unjust to press the people of Ireland for an amount which had been expended to relieve them from famine while they were still suffering from that painful visitation of Providence; and if it was expected that the Exchequer should be fully reimbursed for money that had been advanced, it was manifestly absurd to demand it at this moment, when the Irish people were utterly unable to pay it. He hoped the Government would consider the expediency of extending the time for repaying the advances over a greater number of years.

Question put, "That those words be there inserted."

The House divided:—Ayes 91; Noes 128: Majority 37.

Bill to be read 3° on Monday next.

PARLIAMENTARY VOTERS (IRELAND) BILL.

Order for consideration of Bill, as amended, read.

Mr. CLEMENTS moved, that the Bill be recommitted for the purpose of introducing an Amendment for providing payment of the clerks of the peace and clerks of unions, for their services in connexion with the making out of the lists of voters. He thought the clerks of the peace were as much entitled to be paid as the town clerks.

Mr. F. FRENCH remarked, that the clerks of the peace were already sufficiently remunerated.

Sir W. SOMERVILLE had no personal feeling in the matter, but it appearing to be the impression of the Irish Members generally, that the clerks of the peace were sufficiently paid, he must decline to accede to the proposition.

Mr. NAPIER thought it was desirable to recommit the Bill, as he and other hon. Gentlemen had Amendments to propose which it would be better to discuss in Committee than on the consideration of the report.

Amendment, by leave, withdrawn.

Mr. M. POWER moved a clause to the effect—

> "That in all cases of agreement between the landlord and occupier, or (in cases of joint occupancy) the occupiers of lands, tenements, or hereditaments, within any county in Ireland, by virtue of which agreement the landlord is or shall be rated for poor-rates at the annual value of 8*l.* and upwards, the occupier, or (in case of joint occupancy) the occupiers of such premises, shall have all the rights of registry and voting as if he or they had been rated; and, should the landlord, under such circumstances, refuse or neglect to pay the said rates, the payment thereof by the occupier, or (in the case of joint occupancy) by the occupiers, shall entitle him or them to a right of registry and voting, and also to a right to deduct from the rent the full amount of such rates."

Mr. HATCHELL said, there could be no reason that a tenant, occupying under such circumstances, should be deprived of the right of voting, not only as to the county franchise, but also on that of the borough; but he thought the clause as it stood would not fairly carry out the object of the hon. Member, and therefore he should have to propose certain verbal amendments.

Viscount BERNARD considered the

clause would give rise to much inconvenience and litigation, and that it would encourage fictitious votes.

Mr. GROGAN opposed the clause on the ground that if it were passed it would be impossible to know who the voter was. If the landlord did not pay it would be only necessary for the tenant to come forward and claim to vote, and the requirements of the Act as to paying rates would not be followed.

Sir D. NORREYS thought the question was whether the party was in occupation of property to the required value; in that case the occupier would appear on the rate books, and who paid the rates was a matter of no importance.

Mr. MONSELL observed, that the objection was that the party would not appear on the rate books. But he thought fraud might be prevented by the production of the agreement between the landlord and the tenant, by which the landlord undertook to pay the rates; therefore, the clause was not really open to the objections which had been urged against it.

Major BLACKALL did not consider the clause necessary, because the tenant might, under his agreement, pay the rate to entitle him to the vote, and then deduct it from the rent.

Mr. STAFFORD looked on the clause as a power placed in the hands of the landlord to make faggot votes.

Sir G. CLERK thought that the proper form should be for the tenant to be allowed the right of claiming to be rated, and on doing so, and paying the rate, that he should then be entitled to vote.

Mr. HATCHELL said, that was precisely the effect of the Amendment which he proposed.

Sir J. YOUNG said, a more obnoxious clause than this had never been heard of. If it were moved *bonâ fide*, it would affect so few votes that it was not worth the trouble of introducing it; but he could easily see that it would open the door to all sorts of fraud.

Sir W. SOMERVILLE defended the principle of the clause, as putting it out of the power of any individual to disfranchise a voter. At the same time, he should suggest to the hon. proposer that the clause, with the amendments of his hon. and learned Friend the Solicitor General for Ireland, should be withdrawn for the present, and printed, and that it might be discussed on the third reading.

Motion, by leave, withdrawn.

Clause withdrawn.

Colonel CHATTERTON said: Sir, notwithstanding the determination of the noble Lord at the head of Her Majesty's Government to oppose the introduction of the clause I have given notice of—notwithstanding he has come to this decision before even he had heard a word of argument either myself or hon. Members may bring forward in support of it; and although I have the highest possible respect for the exalted situation the noble Lord holds in Her Majesty's Councils—still I have a duty to my constituents as a Member of this House, which even this threat of the noble Lord will not prevent my endeavouring to perform. Sir, upon the passing of the Reform Act in 1832, there was naturally adversity of opinion upon that law; and I should not have ventured to bring forward my proposition, were I not supported in my view of the case by many high legal authorities, and amongst others by the often declared opinion of one of the most talented, upright, and consistent Judges that ever adorned the judicial bench, that the disfranchisement of those called "non-resident freemen" was contrary to law, and the spirit of the Act. Now, Sir, were these persons disfranchised by a decision of this House, I should not have hazarded any appeal; but such is not the fact—they were disfranchised by the decision of an Election Committee of this House; and I feel convinced every hon. Member who has had experience here will agree with me, that Election Committees, as formerly constituted, were the most unjust and partial tribunals before which any man could appear. They were restrained by no law—they were guided by no precedent—their decision was final and arbitrary—there was no appeal—and it was by the decision of such a tribunal that so many were disfranchised, and lost a privilege they so much prized, and so long enjoyed. Perhaps some hon. Gentlemen may imagine my remarks are unjustly severe; but I would ask, was it not a notorious fact, that the moment an Election Committee was struck, its decision was publicly talked of, and anticipated? Very many cases could I quote in proof of this; but I shall only state my own case—

> "Quæqua miserrima vidi,
> Et quorum pars magna fui."

When I formerly had the honour of being a Member of this House, my return was petitioned against; on the day my Committee was balloted for, my evil star was in the ascendant, and my impartial judges were ten Radical Reformers, and one Conservative. "*Ab initio*" my fate was sealed, and I have ever since regretted I did not take the advice of an hon. Friend, and resign at once, and I should thus have saved an expensive and annoying contest of fifteen days, for, after all, the expected result came forth. I trust, then, I am not asking too much in asking for the reversal of what I conceive was an illegal decision of this Election Committee, and restoration of, not altogether, what these persons have been deprived of, but the right of voting, when duly registered, provided they are resident in the county in which such city or borough is situated. I would also pray to call the attention of the right hon. Baronet the Secretary for Ireland to the expediency of having the word "July" substituted for "June" in the 10th clause, line 22nd, 5th page of the Bill. This change would give more time for registration, as this is about the period of holding sessions in Ireland; the next sessions for the city of Cork, for instance, are fixed for the 1st of June, and as there are a considerable number of persons of all political feelings, who were prevented at the last, anxious to register at this sessions; and as I learn the assistant barrister is desirous to amend some of his decisions, and as this alteration would, by increasing the numbers of the registered, carry out the intentions of this new Reform Bill, or, more properly speaking, this new Democratic Bill, I trust there may be no objection to this change; but should there be, it will answer the same end, as regards Cork, to have the sessions held on the 27th of May, which perhaps the right hon Secretary may direct. I hope, then, Her Majesty's Government will, as the noble Lord the First Minister of the Crown is absent, consider what I have advanced, and withdraw their opposition from my clause, and thus prevent my taking the opinion of the House upon it; and I trust the right hon. Baronet the Secretary for Ireland will perform one of the two requests I have made of him. I beg, therefore, to move the clause of which I have given notice:—

"And be it Enacted, That the class of Voters usually called "Non-resident freemen," be permitted to vote at the Election of Members of Parliament for cities and boroughs, if duly registered, and resident within the county."

MR. M. J. O'CONNELL said, freemen belonged to the county of a town for the most part, and the adoption of the clause would give rise to very great inequality. He did not think it was worth the hon. and gallant Gentleman's while to divide on a proposition which was to reverse the law settled twenty years ago.

SIR W. SOMERVILLE was very sorry to refuse the hon. and gallant Member, but the question had been settled by the Reform Bill many years ago.

VISCOUNT BERNARD hoped the hon. Member would not divide the House on the question.

COLONEL CHATTERTON withdrew the clause.

Motion, by leave, withdrawn.

Clause withdrawn.

MR. C. ANSTEY, in the absence of the Lord Mayor of Dublin, who had given notice on the subject, moved the omission in Clause 1, line 11, of all the words which provided that "the voter should, on or before the 1st of July, have paid all poor-rates in respect of his lands, tenements, or hereditaments, which should have become payable from him in respect of such premises previously to the 1st day of January then next preceding." He believed that the retention of these words would restrict the franchise, and that, in accordance with the title of the Bill, and the determination of the Legislature, the possession of property of a certain amount ought to be—whether rightly or wrongly was not now the question—a test of the fitness of the party for the possession of the franchise.

Amendment proposed, page 2, line 14, to leave out from the word "year" to the word "And," in line 19.

Question put, "That the words proposed to be left out stand part of the Bill."

SIR W. SOMERVILLE opposed the Motion, because one of the main features of the Bill was, that it insisted on the payment of rates prior to voting.

The House divided: Ayes 106; Noes 26: Majority 80.

MR. FITZPATRICK moved, as an Amendment, that a portion of Clause 2 be omitted. It gave votes in right of joint occupancy in counties, and to that he objected.

Amendment proposed, page 2, line 18, to leave out from the words "next preceding" to the word "And" in line 31.

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided: Ayes 78; Noes 52: Majority 26.

Mr. ANSTEY then rose to move an Amendment to the 6th Clause, with a view to reduce the qualifications of voters in boroughs from *8l.* to *5l.* He urged that change upon the favourable consideration of the House, for this, among other reasons, that otherwise the effect of the measure would be to increase the county constituency, and to diminish that of the boroughs.

Amendment proposed, page 3, line 41, to leave out the word "eight," in order to insert the word "five."

Question put, "That the word 'eight' stand part of the Bill."

Colonel DUNNE agreed that *8l.* was too high a qualification, but he was not prepared to admit that it should be fixed at *5l.*

Mr. LAWLESS said, that if the hon. and learned Member for Youghal's Motion proved unsuccessful with the House, he should propose a *6l.* qualification in Irish boroughs.

Sir W. SOMERVILLE was opposed to the proposition of the hon. and learned Member for Youghal. When a similar Amendment was moved by the Lord Mayor of Dublin, he entered into calculations and fully stated the reasons against such an alteration of the Bill. He should now, therefore, not detain the House by repeating them, but content himself with recommending that the proposed change be not agreed to.

Mr. BRIGHT observed, that every Irish Member in favour of extending the franchise, was decidedly of opinion that an *8l.* franchise was too high. But, as it was now encumbered with a rating for the poor, if the hon. and learned Gentleman's Amendment was adopted, it would render necessary considerable alteration in other parts of the Bill. He was in favour of the Amendment as an electoral question; but as the noble Lord at the head of the Government had fully admitted that the state of the Irish boroughs would not be satisfactory, even after the passing of this Bill, he should recommend the hon. and learned Gentleman not to go to a division at present, but that he and all those who were in favour of a *5l.* qualification should take the opportunity, when the Irish boroughs came to be re-arranged, of going into the whole question, and then urging their views upon the Government. He moreover did not think it wise to introduce further matter of dispute into the consideration of the measure.

Mr. STAFFORD begged to inform the hon. Member that there would be no difficulty as to the machinery. The noble Lord, though he talked of grouping some of the boroughs, did not, with respect to the franchise, speak of the Bill as a temporary, but as a final measure. [The Attorney General dissented.] Then, he was to understand that the Bill could not be considered final. If the Bill were not to be final, the less time they consumed in its discussion the better.

Mr. AGLIONBY concurred in the view taken of this question by the hon. Member for Manchester. He believed that the proposal of the hon. and learned Member for Youghal would be attended with more harm than good. Would any one tell him that if they introduced the Amendment of the hon. and learned Gentleman into the Bill there would be a chance of its passing this Session in another place? He believed it would not. As he was satisfied the Government had gone as far as they could do with safety to the measure, he was ready, on the present occasion, to give them his cordial support.

Viscount BERNARD said, what had occurred that night convinced him he was right in having always doubted that the Irish Reform Bill was an honest measure. If he had another reason for opposing the Bill—which was but another kind of Reform Bill—it would be from the variation of the opinions expressed by the hon. Member for Manchester now from the opinions he had given utterance to at a meeting a short time ago at Crosby Hall. He would read to the House an extract from the hon. Member's speech on that occasion:—

> "The Irish Franchise Bill was a proof of the great change which had taken place, not only throughout the country, but in Parliament, proposing, as it did, alterations in the qualification required for voting which ten years ago would not have been tolerated. About ten years since, a Bill not relating to the property qualification at all, but intended to improve the system of registration, was opposed as if the welfare of the empire depended upon its rejection; but the opposition to the present Bill was so languid that an hon. Member, who thought that *8l.* was too low a qualification, and wished to raise it, received so little support that he was obliged to withdraw his Motion without going to a division. The only thing complained of, in fact, was, that they had not reduced the franchise in the boroughs to any considerable extent; which, he believed, arose from a mistake, and that the Government were now very sorry for it. Now that Bill, passing by large majorities, and only a few Members attempting to introduce a clause which should in

> any way embarrass its operation, showed a change which it was most satisfactory to see, and which derived the more importance from the fact, that all public men knew that the present Bill was a mere experiment, a getting in of the small end of the wedge, and that it would be certainly followed in the next or the succeeding Session by a proposition for a change in the representation of Great Britain."

The ATTORNEY GENERAL had not the good fortune to hear that part of the hon. Member for Manchester's speech on which the noble Lord had laid so much stress, in consequence of the noble Lord having turned his back when reading it. [Viscount BERNARD : I will read it again.] He thought it quite unnecessary, for the real question before the House was, whether the franchise should be *5l.* or *8l.* He rose, however, for the purpose of saying that he had intimated dissent when the hon. Member for North Northamptonshire alluded to the noble Lord at the head of the Government as having spoken of the Bill as a final measure—not from any notion that there was to be no finality in the matter, but because he thought the noble Lord had never used those words, and especially when he remembered the use which for many years had been made of that very word "finality." With regard to the question before the House, it had been fully discussed before a Committee, and he thought the House would be of opinion that after what had passed before that Committee—where unquestionably the general opinion was in favour of an *8l.* franchise—it would not be desirable now to come to a decision fixing the franchise at *5l.*

VISCOUNT CASTLEREAGH said, the hon. and learned Member for Youghal had told them that he proposed this Amendment because it was his wish to extend the franchise ; and therefore he thought no hon. Member opposite was entitled to attribute to him any other motive. For himself, he must say he did not wish to see a great extension of the franchise. He desired to see monarchical institutions preserved in this country, but he did not wish to see a free democratic social republic established. He was for a full and fair representation of the people, but at the same time he thought what was called a full and fair representation of the people might be carried too far ; and, careless of the popularity or unpopularity which he might incur, he felt himself compelled to say that the present was too extended a measure. He saw the hon. Member for Oldham in his place, and he would read a few words which that hon. Gentleman had addressed to the National Reform Conference, as it was very important at this time, when such great changes were taking place abroad, to know what were the sentiments entertained by gentlemen of the weight and station of the hon. Member. He found that the hon. Member said—

> "He considered the extension of the suffrage, vote by ballot, the payment of Members, and the redistribution in the proportions of electoral districts, as all of them mere machinery, and not ends, which any rational man would think worth spending his time upon. In the accomplishment of these objects they should still keep in view their great ultimate object, which he would not hesitate to call a 'social revolution.'"

By "social revolution," he (Lord Castlereagh) supposed the hon. Gentleman meant a socialist revolution. ["No, no!"] He certainly found that the hon. Member afterwards said he wished to see our institutions preserved. But then M. Proudhon had taken nearly the same course as the hon. Member for Oldham had done. ["No, no!"] He did not wish to say anything disrespectful of the hon. Gentleman; but he reminded him of the month of March coming in like a lion, and going out like a lamb. The hon. Gentleman, if he might venture to say so, had come in like a lamb, and would go out like a lion. Let them by all means get a full representation of the people, but let them be careful not to be led away by such doctrines as those laid down by the hon. Gentleman.

MR. W. J. FOX did not know where the noble Lord had found the report of his speech to which he had referred; but he thought that of the few sentences which he had quoted, or, at least, referred to, there was one that contained quite enough to show him what he meant by the term "social revolution." He (Mr. Fox) had clearly and fully explained that it was not a revolution which had anything to do with bloodshead, plunder, or the destruction of venerated and useful institutions, the redistribution of property, or any such absurdities; but that by a social revolution he meant a change which should put talent, integrity, and legitimate influence in the place of corruption and of intimidation in the representation of the people in that House. The remarks which followed those that had been read had been brought into notice in some publications, so that he should have thought the one part of what he said on that occasion would have been as well known as the other. The word social had been laid hold of, and, as far as it could be done, it was laid hold of to give it the form which had just now been affixed to it. He had no hesitation, however, in repeating, that he did desire to see such a social revolution as he then described—a revolution which should put talent and honesty and ability in their proper place, and give them their proper influence. And if it was thought there was anything incautious in using either the word "revolution" or the word "social" in such a connexion, he would just say, that these remarks were not addressed to a large and indiscriminate meeting, but to a small number of delegates in a comparatively private place, met to consult on such political arrangements as it might be thought right to adopt for promoting the object in pursuit of which they were engaged. He saw nothing in this for which he needed to make any excuse or apology. The sentiments and the language he was ready to repeat there; and, in consistency with the principles he had advocated, he should, as one desirous to see the suffrage, both in this and the sister country, extended to the very greatest degree that it could be, consistent with order or utility, support the Amendment now before the House.

Mr. F. O'CONNOR said, the hon. Member for Oldham required no one to make any explanation in his behalf; but as he had listened with great pleasure to the speech which the hon. Member had delivered before the National Reform Association, he begged to say that that speech was received with the greatest satisfaction by the meeting — not because they were revolutionists, for they desired to carry no object by physical force — but because they concurred in the views so well expressed by the hon. Gentleman. The noble Lord the Member for the county of Down stated, that he was in favour of monarchical institutions, but that he was not for a full representation of the people. [Viscount Castlereagh dissented.] Well, then, the noble Lord said he was not for a social republic; but he would tell him that the refusal of just concessions to the people was what would lead them to demand a social and democratic revolution. It was only by timely concessions that revolution could be arrested; and for that reason he would support the Amendment of the hon. and learned Member for Youghal.

Mr. M. O'CONNELL said, that he was sorry to hear the noble Lord revive a cry which had done more mischief in this empire, and especially in Ireland, than almost any other. He meant the cry of exclusive loyalty. That pernicious assertion had been the bane of Ireland. At one time the only loyalists were said to be one particular party in the country; at another, the professors of a particular religion; but now the only loyal people, it would appear, were those who would support an 8*l.* franchise. He would give his support to the Amendment.

The House divided: — Ayes 80; Noes 43: Majority 37.

Mr. W. J. FOX appealed to the indulgence of the House to permit him to read the conclusion of the speech the commencement of which had been just adverted to by the noble Viscount the Member for the county of Down. In the few remarks he (Mr. Fox) had made, he did not consult the printed report of his speech which the noble Viscount had quoted, and which the courtesy of the noble Viscount had placed within his reach. The noble Viscount, however, had not quoted his observations with that completeness which was essential to correctness, and he (Mr. Fox) begged to be permitted to read the entire passage. He had said—

> "In the accomplishment of these objects they should still keep in view their great ultimate object, which he would not hesitate to call a social revolution—a revolution, however, which would leave intact, in all their sacredness, the principles of the constitution, the maintenance of order, and the greatest possible amount of liberty, but a revolution which should raise into operation the intellectual and moral aristocracy of the country, with ability to govern, and integrity to govern well."

Viscount CASTLEREAGH had no intention of misquoting the hon. Member, and had explained the purport of the conclusion of the sentence. He had, however, thought that the expression "social revolution," in the hon. Member's speech, was not sufficiently qualified by the after portion of his speech, because he could not imagine how a social revolution could be effected consistently with the maintenance of order in this country.

Colonel CHATTERTON: Sir, I beg to call the attention of the right hon. Baronet the Secretary for Ireland, that he has not replied to my request regarding the substitution of the word "August" for May, in the 10th clause, 15th line of the Act. As I have before stated my reasons for this request, I need not trouble the House at any length; but I really cannot see how

Her Majesty's Government can, with any shadow of consistency, refuse this alteration, when it tends to increase the franchise so much wished for by this new reform, or, much more properly speaking, democratic Bill for Ireland. I therefore beg to move that August be substituted for May in the Bill.

Amendment proposed, page 5, line 17, to leave out the word "May," in order to insert the word "August," instead thereof.

Question put, "That the word 'May' stand part of the Bill."

Mr. GROGAN supported the Amendment. The clause, as it now stood, would be an *ex post facto* disqualification of persons who would be placed upon the register, and who, but for the Act, would have the right to vote until August next.

The ATTORNEY GENERAL could not consent to allow the old class of voters to remain upon the register during the last quarter of the registration year, when these voters were declared by the Act incompetent to vote.

Mr. GROGAN had thought the object of the Bill was an extension of the suffrage; but it appeared that the Government only meant to extend the franchise in a democratic sense.

Sir W. SOMERVILLE saw no reason for agreeing to the change proposed by the hon. and gallant Member opposite.

The House divided:—Ayes 92; Noes 21: Majority 71.

Mr. GROGAN had an Amendment to propose, to the effect that the revision of electoral lists in Dublin should take place a month after the revision through the country generally, so as to allow the barristers of Dublin to attend conveniently to legal duties connected with the registration in the country.

The ATTORNEY GENERAL did not apprehend that any inconvenience would be found to arise from fixing the period of revision for the capital and the country at the same time. In England the London and country registration was effected at one and the same time, and the system worked perfectly well.

Amendment negatived.

Bill to be read 3° on Friday next.

COURT OF CHANCERY (IRELAND) BILL.

The House then went into Committee on this Bill; Mr. Bernal in the chair.

Mr. J. STUART said, he had given notice of an instruction to the Committee to insert a clause that should provide a remedy for what he thought every body who had attended to the discussions in the Court of Chancery in Ireland, and every body who had attended to the state of landed property in Ireland, must admit to be one of the greatest evils that had afflicted that country. In the course of last Session, on the Motion of, he believed, the hon. and gallant Member for Middlesex, the House appointed a Committee to inquire and report on the state and condition of landed property in Ireland in the hands of receivers acting under the Court of Chancery. It appeared, from the report of that Committee, that there was land in Ireland under the dominion of the Court of Chancery, the rental of which amounted to not less than a million a year. The receivers of the Court of Chancery received the rents, and had the management of the property. That all the land so situate was in a state of most deplorable mismanagement, had been acknowledged on both sides of that House. But they wanted no greater evidence than what appeared in the report of the Committee of last Session. Witnesses thoroughly conversant with the subject, including the Lord Chancellor and the Master of the Rolls in Ireland, had been examined; and the Committee reported the existence of most gross abuses—that the appointment of a receiver sealed the fate of the debtor and his property, and was, therefore resisted and deferred in every possible way; that the receivers were tempted to collect as early, and to pay over the money as late as they could, themselves using the money in the meantime; and that the tenants had no chance whatever of making improvements. Such was the deplorable condition of property under receivers appointed by the Lord Chancellor; all parties concerned—the debtor, the owner, and the tenant—were injured by the system. One class alone derived a profit from it, the professional auxiliaries. It was a deep reproach in some quarter or other that such a state of things should be permitted to exist. This Bill dealt with the court under which these receivers were appointed; and though he wholly disapproved of the Bill, he wished to call the attention of the House to the necessity of remedying this evil. He had given notice of this, and felt surprised that the hon. and learned Solicitors General for England and Ireland had not directed their attention to the matter, especially as the report of the Committee had been before the House for a twelvemonth. He should move a clause, having for its object the redress of these grievances. He could anticipate no objection to the principle of such a clause, which simply embodied the recommendation of the Committee of last year. It proposed to give the Lord Chancellor of Ireland full power so to regulate the system of receivers, by orders framed for that purpose, and would meet all the evils which the Committee had pointed out.

The CHAIRMAN asked the hon. and learned Gentleman whether he intended to put his Motion in the shape of a new clause?

Mr. J. STUART intimated that that was his intention.

The CHAIRMAN then stated that, as a new clause, the proposition must be made after all the other clauses had been disposed of.

The SOLICITOR GENERAL said, that although it would not be necessary for him now to enter into a lengthened reply to the hon. and learned Gentleman, yet perhaps it might be convenient that he should make a few observations on what had fallen from the hon. and learned Member.

The CHAIRMAN said, that it was impossible for him to have known what the hon. and learned Member for Newark was about to propose; he could not therefore prevent his proceeding; but now that one irregularity had taken place, he would recommend the Committee not to pursue that irregular course any further.

Mr. B. OSBORNE apprehended that the hon. and learned Member was perfectly right in drawing the attention of the House to one of the greatest abuses that existed in Ireland. So far from taking it ill at the hon. and learned Member having referred to the report of the Committee for which he (Mr. Osborne) had moved, he felt grateful to him for having applied his sound and legal mind to the discussion of this question. He did not think any mere forms of the House ought to obstruct a Member from drawing the attention of Parliament to such a question.

The CHAIRMAN: I beg the hon. and gallant Gentleman's pardon, but he is out of order.

Mr. J. STUART, while submitting to the better judgment of the Chairman on the question of form, thought they were, in truth and in substance, discussing the question whether a clause to the effect he had proposed should form part of the Bill. He did not think they would be greatly violating any forms of the House if the Chairman would extend to them a little indulgence on this occasion.

Mr. B. OSBORNE did not claim it as an indulgence, but he claimed it as a right.

The CHAIRMAN said, he felt bound again to interfere, and to press on the Committee the importance of adhering to those rules, which had always been observed since he had had the honour of filling the office of Chairman.

Mr. B. OSBORNE: Then does the hon. and learned Solicitor General mean to quash all discussion on the Bill?

The SOLICITOR GENERAL said, on the other hand, he was anxious for it, but had been called to order. He might state that, so far from the House having taken no step in this matter, they had passed the judgment on Small Titles Bill, which contained some important provisions on the appointment of receivers.

Mr. G. A. HAMILTON said, if the question could not be discussed in Committee, he would move that the Chairman report progress, and ask leave to sit again.

Mr. LABOUCHERE said, an opportunity for the discussion would be afforded after the other clauses were gone through, by moving the addition of a new clause. He hoped the Committee would support the Chairman in adhering to the usual rules of conducting the business.

Mr. B. OSBORNE asked if the hon. and learned Gentleman the Member for Newark would take the opportunity pointed out of moving his clause?

Mr. J. STUART: Oh, certainly; as soon as the other clauses are agreed to.

On Clause 1,

Mr. TURNER asked whether in applications made under that clause, the relators must obtain the sanction of the Attorney General.

The SOLICITOR GENERAL said, this would be necessary in cases where the suit was instituted in the name of the Attorney General. The clause would give power for a petition to be filed instead of an information, all other matters remaining as they were.

Mr. TURNER would beg to ask another question, as to the proof of service of notice which would be requisite, and pointed out the possibility of a false affidavit of service being made, whereby the parties would be left entirely at the mercy of those pretending to give the notice.

The SOLICITOR GENERAL said,

that security would be taken for complete and sufficient notice, just the same as in this country. No doubt the court was very jealous, indeed, about the sufficiency of the notice; and a subsequent clause provided that, subject to the regulation of the court, the notice should be proved in the same way as a subpœna. This clause merely referred to notice of a petition being filed; but the same precautions were taken as in the service of a subpœna or bill of information. In the English Court of Chancery it was not necessary to obtain an answer from a defendant; he might, under certain regulations, be proceeded against *pro confesso*.

Mr. TURNER would leave the matter in the hands of the hon. and learned Gentleman.

Clause agreed to, as were Clauses 2 to 14, inclusive.

On Clause 15,

Mr. WALPOLE said, that he objected to this clause altogether, because it transferred powers to the Master which should be left with the court alone.

The SOLICITOR GENERAL said, that he would endeavour to modify the clause so as to obviate the objections of his hon. and learned Friend, by specifying more distinctly the matters to be referred to the Master. His hon. and learned Friend would have an opportunity of considering the amended clause on bringing up the report.

Clause agreed to, as were Clauses 16 to 29, inclusive.

On Clause 30,

Mr. B. OSBORNE observed, that within the last few weeks the Lord Chancellor of Ireland had given a most extraordinary judgment as to the proceedings of the court in Ireland. There was a case in which a stablekeeper was receiving 10*s*. a week from an attorney of the name of Callaghan, who made him swear to the accounts, the man not being able to write. This case was brought before the Master of the Rolls, who wrote to the Lord Chancellor, and recommended that the attorney should be struck off the rolls of the court. To the surprise of the profession, the Lord Chancellor merely heard the case, gave him a lecture, and dismissed him. He wanted to know why the Lord Chancellor was not disposed to move in the business? This solicitor went before the court, and made an affidavit that it was the most common thing for a most respectable man to appoint his servant as receiver. What was the opinion of Sir Edward Sugden as to this case, which had been passed over in this light way? He was asked, on the inquiry into the Court of Chancery in Ireland, "With reference to the number of receivers, is it your opinion it is a great evil in Ireland?" Answer—"Undoubtedly, the evils are so great, that no country can possibly prosper under them. I cannot conceive any greater evil." That was Sir Edward Sugden's opinion upon this subject. The Master of the Rolls gave the same opinion. Was the House aware of the enormous amount of property under the Court of Chancery of Ireland? If so, the House of Commons would not be satisfied to leave the matter as it was.

Mr. HATCHELL said, that he could not allow the present observations to pass without placing his protest, on the part of the Lord Chancellor of Ireland, and on the part of the profession, against what had been stated. Did the hon. and gallant Member mean to suggest that these abuses occurred in the time of the present Lord Chancellor? [Mr. Osborne: They were all equally bad.] The Lord Chancellor who, for some years past, had had the management of the court, had endeavoured to put an end to these abuses, arising unfortunately from the state of property in Ireland. The appointment of receivers, their security, and the mode of controlling them, was all grounded on the practice and precedents of the Court of Chancery in England. They were under the same control, and were bound to account in the same manner. The embarrassments of the estates in the country had led to these abuses. As to the Lord Chancellor, it was perfectly well known that when he came to the bench in Ireland, he used his utmost efforts to rectify these abuses. The Lord Chancellor of Ireland had two years ago tried to get rid of these abuses. The hon. and gallant Member for Middlesex had made some allusion to a solicitor in Ireland having made his stable servant a receiver, and that such a step had been sanctioned by the Lord Chancellor. If such a thing were done by the Lord Chancellor, it was done merely on the evidence that came before him, and in accordance with the rules of the court. The hon. and gallant Member for Middlesex had appeared to contrast the conduct of the Master of the Rolls with that of the Lord Chancellor of Ireland; but, while he (Mr. Hatchell) readily admitted the ability and urbanity of the Master of the Rolls, he must also say, that in the case to which the hon. Gentleman had referred, no blame whatever could be attached to the Lord Chancellor, who had acted in the strict discharge of his duty.

The SOLICITOR GENERAL begged to call the attention of the Committee to the course which had been taken in consequence of the report of the receivers' committee. Receivers were either receivers under judgments, under what was called Pigot's Act, and receivers under the estates of infants and lunatics. The latter were not mismanaged; but with respect to receivers under judgments, they were really the officers of the judgment creditor, appointed for the purpose of getting execution of his debt. It could not be expected that receivers in such a case would lay out money to improve an estate, as was done by the other class of receivers. The only mode of getting rid of the evil was by getting rid of receivers under judgments altogether. Now, what had been done in consequence of this ? The House had passed a Bill by which no receiver would in future be appointed over an estate in Ireland on a judgment. That was a very considerable step in the improvement of the system, and receivers under judgments would rapidly disappear. Nothing gave him greater confidence in the Bill upon which the Committee had bestowed their attention that evening, than the manner in which the Lord Chancellor and the Master of the Rolls had done him the honour to consult with him on the subject; and he was satisfied that there existed a sincere desire on the part of both those distinguished Judges to carry out by a series of orders a complete reform of the Court of Chancery.

Mr. B. OSBORNE, in explanation, said, that it was supposed that because he had praised the Master of the Rolls he had made an attack on the Lord Chancellor of Ireland. But even if he had made that attack, the hon. Gentleman who had just spoken offered no defence; no explanation of the case to which he had alluded, of a solicitor having appointed his own stable servant at the rate of 10*s.* a week to act as a receiver; that solicitor in palliation stated that he knew twenty-three solicitors who did the same thing.

Mr. KEOGH said, that he was aware of the facts of the case, and he would by permission of the House explain them, and having a perfect knowledge of them, he felt that not the slightest censure could be with propriety cast on the Lord Chancellor of Ireland. The Master of the Rolls had not sent, as had been stated by the hon. and gallant Member for Middlesex, a recommendation that this attorney should be struck of the rolls, to the Lord Chancellor. He merely sent a statement of his own opinion on the subject. The solicitor's statement was that the property in question amounted to about 300*l.* a year; and it was a most difficult matter in Ireland to induce persons in a respectable station to undertake the management of estates under the Court of Chancery, for which they would not obtain a remuneration exceeding 5*l.* or 6*l.* a year. The solicitor stated that he had not been able to procure as receiver such a person as the Court would desire, but that he had given the best evidence in his power that the estate would be properly managed by himself becoming guarantee for the person he had employed. It appeared, also, that the estate had throughout been well and efficiently managed, and that not one farthing of money produced by the property was lost. These were the facts of the case, and he threw himself on the mercy of the court. Under these circumstances he thought that there was no ground for passing censure on the Lord Chancellor. At the same time that he (Mr. Keogh) stated this he was as willing as any man to admit that the greatest abuses existed in Ireland under the Chancery Courts, and said it was his strong opinion that solicitors should not be appointed receivers.

Major BLACKALL hoped that if the House was to legislate by a clause in this Bill as proposed, there would be time given to consider it. Perhaps the Chairman had better, therefore, report progress.

Mr. J. STUART said, he would bring up the clause on the report.

Clause 30 agreed to, and the following clauses up to Clause 37.

On Clause 38,

Mr. GROGAN objected, that the word "officers" did not sufficiently specify the persons entitled to compensation, and moved the omission of a part of the clause, in order that clerks who might not be properly considered officers, should have an opportunity of preferring their claim for compensation to the Treasury. He did not wish to coerce the Treasury to grant them compensation, but to place them in a position to demand it. If the clause was not intended to include those persons, he would press his Motion to a divison.

Amendment proposed, page 15, line 42,

after "officers of," to insert "or persons employed in."

Question put, "That the proposed words be there inserted."

The SOLICITOR GENERAL could not consent to the addition of the words. The clause did not prevent those persons making their claims if they desired to do so; and it was for the Treasury to determine whether they came within the meaning of the clause, and were entitled to compensation.

The Committee divided:—Ayes 26; Noes 96: Majority 70.

The SOLICITOR GENERAL moved that the Chairman report progress, intending then to move that the Bill be immediately re-committed with the view of introducing additional amendments, having them printed, and considering them on the further re-committal of the Bill.

Mr. KEOGH rose to inquire if the hon. and learned Gentleman opposite had any intention of introducing a provision for the purpose of giving a Parliamentary title to estates sold under the authority of the Court of Chancery as well as to those sold by direction of the Encumbered Estates Commission?

The SOLICITOR GENERAL replied that it would be quite impossible to introduce any such provisions in the Bill then before the House. The subject was one of great magnitude, in legislating on which many guards and checks would be required.

The House resumed.

Bill reported; re-committed; considered in Committee, and reported; as amended, to be considered on Friday next, and to be printed.

The House adjourned at half after Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, May 6, 1850.

Minutes.] Public Bills.—1ª Appeals to the Privy Council from the Ecclesiastical Courts (Matters of Doctrine).
2ª Administration of Criminal Justice Improvement; Parish Constables.
Reported.—Indemnity.

OFFICE OF REGISTRAR OF THE PREROGATIVE COURT OF CANTERBURY.

The Archbishop of CANTERBURY, after presenting petitions from two places in his diocese against Sunday labour in the Post Office, said: My Lords, I take this opportunity of explaining a matter relating to myself, which has been greatly misunderstood. It is with much reluctance that I trouble your Lordships on a subject chiefly personal, but I have no other means of clearing myself from an imputation which, I trust, cannot justly be laid to my charge. My Lords, it has been supposed —and your Lordships may perhaps have heard—that I have nominated one of my sons to a valuable reversionary sinecure in the Prerogative Court of Canterbury. The case is so as regards the reversionary office; the case is not so as regards either the value or the sinecure. My Lords, it is not generally known, or I should not have the necessity of addressing you—it is not generally known, that in the Session of 1847 an Act was passed which placed the Prerogative Court of Canterbury under the control of Parliament in respect to all future nominations; and the office of registrar, if ever held by my son, which is very uncertain, not to say improbable, will be performed in person, and its salary regulated according to the duties and responsibilities of the station. So much, my Lords, in regard to the sinecure and the value. Indeed the value, according to the doctrine of chances, would be scarcely equal to the stamp on which the nomination is recorded. But it has been supposed, my Lords, that in making this appointment I have availed myself of a privilege which my venerable predecessor declined to exercise. My Lords, I have already explained the reason why my predecessor would not nominate to this office; it would have been inconsistent with that disinterestedness and moderation which distinguished all that he did if he had nominated to a reversionary sinecure. It was not till the close of the Session of 1847, a few months before his death, that the Act passed which took away the sinecure. It took away the sinecure, and it limited the value; but the office must remain, and must be filled; wherever there is a diocese there must be a registry, and where there is a registry there must be a registrar; and I trust that in nominating, prospectively, that registrar, I shall in the judgment of your Lordships have exercised a privilege to which I was both legally and morally entitled; and have done nothing which, when explained, can subject me to the charge of nepotism; an imputation which I hope neither has been, nor ever will be, the characteristic of my official career.

The BISHOP of LONDON: In reference to what has just fallen from my most rev. Friend and Brother, I wish to state to your Lordships a circumstance which, to my certain knowledge, occurred on another similar occasion. The office of registrar of the ecclesiastical court of the diocese of Chester is an office worth many thousands a year. A former Prelate of that see nominated to that office a son of his own, an infant not more than six months old. The person so nominated held that office for no less a period than seventy years. The office became vacant after I left the diocese of Chester. My most rev. Friend and Brother had afterwards the right to appoint to that office. He did not fill it up with the name of one of his sons, not having a son old enough to take it, except as a sinecure; but he gave it to a person totally unconnected with his family, on condition that he should always perform its duties in person. My most rev. Brother had not given away a valuable office, which he had in his own gift, to his own son, but to a stranger; but he has given to his son an office in reversion, which is subject to the control of Parliament, and of which the duties must be performed in person. I therefore think that the charge of nepotism cannot be preferred with any show of justice against the most rev. Prelate.

THE UNIVERSITY COMMISSION.

LORD BROUGHAM rose to ask his noble Friend the Lord President of the Council whether he had any objection to lay upon the table a copy of the Commission which had been issued or was about to be issued for the purpose of inquiring into the state of the universities? After furnishing the House with a narration of the course which he had pursued when engaged in his inquiries into the state of the charities provided for the promotion of education, and after showing that he had always exempted the universities from those inquiries, he proceeded to maintain that the course which the Government was now prepared to pursue was not a fit course to pursue with regard to the universities either as proprietary bodies—and both the universities were proprietary bodies—or as superintendents of the discipline observed in those illustrious seats of education. It was a course which he was certain would not be efficacious for its own object. In all his Bills on education and charities, he had carefully exempted the universities from their operation. He did not wish to exempt the universities from inquiry now; but he would have it respectfully suggested to those learned bodies that they should submit to be examined in private. He could state to his noble Friend in private sufficient reasons for pursuing such a course; but he would rather decline stating those reasons publicly. He thought that Her Majesty's Ministers would do well to take this point into consideration before they finally resolved on the issue of a Royal Commission.

The MARQUESS of LANSDOWNE was understood to say that no such Commission as that of which his noble Friend appeared apprehensive had yet been issued. The terms of such a Commission, the powers to be given to it, and the members who were to form it, would all require consideration; and when all those points were settled, they should be immediately submitted to the knowledge of Parliament.

LORD BROUGHAM observed, that as far as he could learn, the Commission would only have power to receive voluntary statements, and would not be empowered to compel answers to the inquiries which it might be induced to institute. All who were inclined to attack the universities, would give voluntary evidence; and how were the universities to defend themselves from charges so brought against them, and of which, till the charges were published, they would have no information?

LORD MONTEAGLE said, that those whose province it was to defend the universities, ought to bring before Parliament that evidence which they had in their possession, and which was most essential to the proper consideration of this question. As to Cambridge, he was quite certain that the authorities of that most illustrious university would be ready to produce evidence as to the improvements recently introduced into its course of education—and very creditable those improvements were to those who had suggested and carried them into execution. Those who represented the improvements recently made at Cambridge, felt that such evidence would be a very essential document to lay before Parliament. After complimenting Lord Brougham for his great exertions in the cause of education and charity, he expressed a hope that in the progress of the Bill which must be brought into Parliament on the subject, Parliament would not only ascertain the extent of the evil to be remedied, but also the efficacy of the remedy to be applied to it. He would undertake to say, from his own knowledge of the improvements made in the system of education at Cambridge, that the cause of academical reform had never made more satisfactory progress than it had in that university in the course of the last three or four years. It was a question, therefore, which required serious deliberation, whether the issue of this Commission would promote or retard sound knowledge in the universities.

Subject dropped.

ACCIDENTS IN COAL MINES.

Lord **WHARNCLIFFE** presented a petition from coal miners, praying for legislative interference for the better ventilation and regulation of coal mines, and in doing so the noble Lord observed, that in asking for better protection in their arduous occupation no class of Her Majesty's subjects were better entitled to the consideration of their Lordships, whether the benefits rendered by their labour to the community were considered, or the danger of the occupation itself. After stating a few facts illustrative of the nature of the miners' work and the peculiar risks they encountered, he remarked, that, although some of the casualties they suffered might be beyond human precaution or prevention, there were other causes in existence which might be removed, and there had been cases in which fatal accidents had occurred through the negligence of those who employed the labour. In such cases it was not unreasonable for the Legislature to interpose, in order to obtain more security under a better system of management. It had been ascertained that during the last few years the number of lives lost by accidents in mines had considerably increased. In 1838 the number was 349; in 1840, 498; in 1845, 562; in 1847 there was a small reduction, as the number was 462; in 1848 it rose again to 570; and in 1849 there were no fewer than 704 lives lost. The question then arose, whether, by improved regulations, greater security of life could not be attained. Inquiry into this subject had been made, in 1835, by a Committee of the House of Commons, which had made a report; and since then there had been a series of inquiries into accidents in coal mines by Commissioners appointed by the Government, besides other spontaneous inquiries down to the report of last Session, when their Lordships had acceded to his suggestion for repeating the inquiry. In all these reports there was no difference of opinion as to the possibility of instituting better precautions against the loss of life. The noble Lord then adverted to the fact, that in the Belgian mines there had been a decrease of accidents during the years in which there had been an improved system of inspection. It was clear, from the facts recorded, that something might be done by an efficient system of ventilation. He thought some regulations should be adopted which should entail a more direct responsibility upon those who ought to bear responsibility—the owners and managers of mines. He trusted that every facility would be given for the appointment of competent inspectors. He wished to know if the Commission appointed by the Government had yet reported, and, if so, when it might be expected to be laid before the House?

Earl **GRANVILLE** stated that the report was in preparation, and would be laid upon the table before the end of the present Session.

The Earl of **MALMESBURY** said, that nobody could deplore more than he did the loss of life which was occasioned by accidents in mines, but yet he thought that the Government deserved much credit for acting with so much caution before taking any direct steps in the matter. He was sure that the Government would see the great importance of guarding them as much as possible from accidents, but yet it was necessary to have some regard to the interests of the proprietors of these mines. He hoped that the inspection would be instituted, but it was not desirable that Government inspectors should become directors of these mines.

Earl **FITZWILLIAM** said, that they should be particularly cautious in enforcing any particular plan on the proprietors of mines. If they gave the inspectors a compulsory power, it cast the responsibility on the inspection, and diminished it on the part of the proprietors. Much injury would arise from such a course.

The Earl of **ST. GERMANS** said, that he hoped that what had fallen from the noble Earl who had just sat down would not deter their Lordships from sanctioning an inspection. He should like to know an instance where the responsibility in any of these cases had ever been brought home to the proprietors?

Petition to lie on the table.

ADMINISTRATION OF CRIMINAL JUSTICE IMPROVEMENT BILL.

Lord CAMPBELL moved the Second Reading of a Bill for the Improvement of Procedure in Criminal Courts. He hoped in a few words to state grounds which should be sufficient to induce their Lordships to agree to the principle of the Bill. The object was to prevent the defeat of justice, which not unfrequently took place by means of technicalities wholly unconnected with the guilt or innocence of the party. One great source of such defeat was to be found in the variance in what was illegal in the indictment, and what came out in the proof. For example, it might be alleged that the prisoner stole a cow, and it turned out to be a heifer; that he had stolen five lambs, and it turned out that they were sheep. In things of that sort it was proposed to allow the Judge power to amend the indictment upon the proof as it came out; and, if necessary, the trial should be postponed; but, if it could proceed without depriving the prisoner of the opportunity of asserting his innocence, it should proceed without delay. By this power, which he thought might be satisfactorily given to the Judge, much scandal would be obviated in the administration of justice. There was another principle involved in the Bill, which was to allow a more general allegation of the crime that was charged. According to the old forms it was necessary to enter with great minuteness into details in an indictment for murder, specifying, for instance, the length and depth of the wound, the nature of the instrument with which the crime was committed, and the like. As the law now stood, it was necessary in a very particular manner to describe how the death actually was caused, and if it turned out that the death was not actually caused in the manner described, the prosecution failed. To avoid that danger, counts in indictments were infinitely multiplied. All he proposed was so to frame the law that an indictment for murder might simply charge the prisoner on such a day and in such a place with "killing or murdering." There were other enactments all introduced with the same view of preventing a defeat of justice; but he hoped he had stated enough to induce their Lordships to give the Bill a second reading.

Bill read 2^{a}.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 6, 1850.

Minutes.] Public Bills. — 1° Petty Sessions (Ireland).
2° Convict Prisons; Public Health (Ireland).
Reported.—Police and Improvement (Scotland).
3° Distressed Unions Advances and Repayment of Advances (Ireland); Defects in Leases Act Amendment; Tenants at Rack Rent Relief.

AUSTRALIAN COLONIES GOVERNMENT BILL.

Mr. E. B. DENISON asked whether Her Majesty's Government had fully reconsidered the clause in the Bill framing the federal assembly, which had been withdrawn for reconsideration? If so, he should be glad to hear what were the views of the Government.

Mr. LABOUCHERE said, that the clause had been carefully reconsidered, and that the Government were prepared, while adhering to the principle upon which it had originally been framed, so to alter it as to give the smaller colonies sufficient weight in the federal assembly should they think proper to join it.

Order for consideration of Bill, as amended, read.

Sir W. MOLESWORTH:* Sir, I move that this Bill be recommitted, for the purpose of omitting all clauses, which empower the Colonial Office to disallow colonial acts, to cause colonial bills to be reserved, and to instruct colonial governors as to their conduct in the local affairs of these colonies; and for the purpose also of adding clauses enumerating and defining imperial and colonial powers.

Sir, the House may remember, that in Committee I waived my right to oppose the 5th and 11th Clauses of this Bill, which would continue to the Colonial Office its present powers of interfering in the local affairs of the Australian colonies. I did so for the convenience of the Committee, and on an agreement with the noble Lord, the Prime Minister, that on the bringing up of the report I should be entitled to raise the important question involved in those clauses, and to take the sense of the House on that question alone. I therefore now propose to recommit this Bill. I do so, as I have already stated, first, for the purpose of omitting from it all clauses by which the Colonial Office would be empowered to interfere with the management of the local affairs of these colonies; secondly, for the purpose of adding certain clauses which I have submitted to the consideration of the House, and which would give to these colonies the uncontrolled management of their local affairs. The question therefore, for the House now to decide is, between Colonial Office government and self-government in the local affairs of these colonies.

I must begin by observing that this Bill raises two distinct questions. First, the special question, what ought to be the form of the government of the Australian colonies? That question was fully debated and decided in Committee, and I do not presume to ask the House to reverse the decision of the Committee. The other, and in my opinion the far more important question, has not been discussed. It is the great question of colonial polity, namely, what amount of self-government ought our colonies to possess, and to what extent ought they to be subject to the controlling power of the Colonial Office? Upon the answer which Parliament shall finally give to this question, will depend the future constitution of the colonial empire of Great Britain. And I believe, according as that constitution shall be well or ill-framed, our colonial empire will last long, or speedily perish. The noble Lord the Prime Minister, in his great speech on the introduction of this Bill, distinctly admitted that the Australian colonies ought to possess the greatest amount of self-government that is not inconsistent with the integrity and well-being of the whole empire. It must be acknowledged that this Bill would not fulfil the intentions of the noble Lord in that respect, but would merely continue to the Colonial Office its present powers of interfering in the local affairs of the colonies. For if it passed unamended, there is not one single act which a colonial governor or a colonial parliament can do without the express or implied consent of the Colonial Office, nor one act which may not be reversed by the Colonial Office. I ask the House to consider carefully what are to be the powers of the Colonial Office under this Bill.

First, by this Bill, the Colonial Office would possess the power of instructing every colonial governor as to his conduct in all colonial matters. The governor would be bound to obey his instructions, whether he liked them or not. For instance, he would have to assent to a bill of which he disapproved; he would have to dissent from a bill of which he approved, if so commanded from the Antipodes. He would be, therefore, a mere puppet, moved to and fro by wires attached to Downing-street. By pulling those wires the Colonial Office would at once be able to put a stop to any colonial legislation; for instance, if this Bill were to pass, the Colonial Office could make a colonial governor set aside every one of its much-vaunted provisions, and could prevent a colonial legislature from amending its constitution, from altering the salaries of its chief functionaries, from discharging useless functionaries, from reducing expenditure, and from appropriating money to the payment of any services which the Colonial Office might dislike to have performed.

Secondly, this Bill, in addition to empowering the Colonial Office to instruct a colonial governor how he is to act in all colonial matters, would require, in many cases, that a colonial governor should abstain altogether from acting until he have sent to the other side of the globe, and ascertained the pleasure of the Colonial Office. For by this Bill a colonial governor would be absolutely required to reserve certain colonial bills; he would be able to reserve any colonial bill; and he would be bound to reserve any colonial bill which the Colonial Office might instruct him to reserve. These reserved bills would have to be sent to Downing-street; there they would wait the signification of the pleasure of the Colonial Office; and if that pleasure should not be signified within the course of two years, then the colonial bill would be lost altogether. Thus, a bill of great importance to a colony, affecting, perhaps, very injuriously some interests, and very beneficially other interests—say, for instance, a bill of the same importance to a colony as the Corn Law or Ten Hour Bill was to this country—such a bill, if it were reserved, would remain for one year at least, and might remain for three years, suspended over a colony, keeping a colony in state of doubt and anxiety, and engendering the worst feeling towards the Colonial Office and the mother country.

Thirdly, this Bill, in addition to giving to the Colonial Office absolute control over all the acts of the colonial governor, would empower the Colonial Office ultimately to annul every act of a colonial governor or of a colonial parliament: for by this Bill the Colonial Office would have power to disallow any colonial act within two years after its arrival in Downing-street. Thus, after a colonial act has been in full operation for three years, to the universal satisfaction of the colonists, it might be suddenly annulled by the arrival of a despatch from the Secretary of State for the Colonies. Thus, strictly speaking, by this Bill the Colonial Office would continue to have the power, in the first instance, of preventing anything from being done in a colony by a colonial governor or a colonial parliament; and it would have the power, in the second instance, of making null and void everything which shall be done by a colonial government or a colonial parliament.

Sir, you will acknowledge, that these are vast powers of government. To whom are they to be entrusted? To gentlemen, able and laborious, without doubt, but who have never had ocular experience of the condition of a colony, who have no personal interest in the well-being of the colonists, who are always obliged to trust to second-hand and partial information on all colonial matters, who are, therefore, necessarily ignorant and generally misinformed with regard to colonial affairs, and who, consequently, with the best intentions, cannot fail to commit numerous and grave errors in the management of the local affairs of the colonies—errors similar to those which every one admits that they have committed within the last three or four years in New Zealand, New South Wales, Ceylon, South Africa, &c.

Sir, I might take colony after colony, and with regard to each colony, I might mention numerous cases illustrative of the evil consequences of the ignorance of the Colonial Office, combined with the exercise of its powers of instructing colonial governors, and otherwise interfering with the management of the local affairs of a colony. For instance, with regard to the Cape of Good Hope, I might mention that one Secretary of State for the Colonies imagined that the Kafirs—who are the fiercest of savages, and the most warlike and faithless of barbarians—were a peaceful, pastoral people, embued with Arcadian virtues and simplicity; the instructions which he, in his ignorance, gave to the colonial governor, and which the colonial governor was compelled, against his own better judgment, to obey, led to the series of Kafirs wars, which, at a low estimate, must have cost us nearly 5,000,000*l.* in the last ten or twelve years. With regard to the same colony, I might mention that another Secretary of State for the Colonies, being utterly ignorant of the physical state of South Africa, fancied that the size of farms in that part of the world should not much exceed the size of farms in England; the directions which he, in his ignorance, gave to the colonial governor, and which the colonial governor was compelled to obey, against his own better judgment, made the Dutch boors abandon Natal, and migrate to the centre of South Africa, where we had to follow them with our troops, and to reduce them to subjection. To illustrate the rashness and indiscretion with which the Colonial Office often acts, I might mention its conduct last year, in consulting the colony of the Cape of Good Hope with regard to the transportation of convicts, and simultaneously transporting them. To illustrate the obstructive character of Colonial Office government, I might mention that the Legislative Council of New South Wales has long wished to have an agent in this country, who should be regularly paid by the colonial treasury; the Colonial Office, naturally unwilling to be looked after, has offered every obstruction in its power to the appointment of that agent, by refusing to permit the Legislative Council to pass a money bill for his payment. To illustrate the minute interference of the Colonial Office in the local affairs of the colonies, I might mention—as I did on a former occasion—that the inhabitants of the town of Sidney, containing a population of about 50,000 souls, have for some time complained of the practice of slaughtering beasts within that city, as an abominable nuisance in that semi-tropical climate, and injurious to their health; that the Legislative Council two years ago recommended that the slaughter-houses should be removed, and that a plot of ground should be sold for the purpose of paying for their removal and for the building of abattoirs; and that this recommendation has not been attended to, because it was necessary to send to this country to obtain the sanction of the Colonial Office before anything could be done. To illustrate the ignorance of the Colonial Office with regard to the condition of a colony, I might mention the constitution of New Zealand, framed one year and suspended the next. To illustrate the ignorance of the Colonial Office with regard to the feelings of the inhabitants of a colony, I might mention the proposal of the Colonial Office to deprive the electors of New South Wales of their franchises, and to give them the still-born constitution of New Zealand. To show to what extent the Colonial Office is liable to be misinformed with regard to the affairs of a colony, I might mention that the Colonial Office ought to receive every year, from each colony, a statistical report of its condition; that several years running the Colonial Office received reports from Ceylon, according to which the number of births, deaths, and marriages in that colony was every year precisely the same; that this remarkable statistical fact entirely escaped the observation of the Colonial Office; that it is to be explained by the circumstance that the same report, with an alteration only of the date, was sent, year after year, from Ceylon; that from these reports, and similar sources of information, the Colonial Office was led into the most singular errors with regard to the financial condition of Ceylon; for instance, that it mistook a deficit for a surplus of income over expenditure, and fancied that the treasury of Ceylon was full when it was empty, that liabilities were assets, and that cancelled notes were bullion. It would be easy to multiply instances of this description. In fact, a collection of anecdotes of Colonial Office government would make a very curious and laughable chapter in the history of this empire; and that chapter might be very properly headed with Oxenstern's famous saying—"*Nesci, o mi fili, quantillâ prudentiâ homines regantur*"—and certainly no men were ever governed with less prudence than the colonists of Great Britain have been governed, ever since bureaucratic colonial government has been established in Downing-street.

Sir, it will be said that similar errors will not be committed, and that in future these powers may be safely confided to the Colonial Office; and the hon. Gentleman the Under Secretary of State for the Colonies will, without doubt, repeat for the hundredth time, that he has been positively instructed by the noble Earl the Secretary of State for the Colonies, to assure the House, most solemnly and most distinctly, that the noble Earl will in future exercise those powers in the wisest, most judicious, and most liberal manner, and, in fact, will only exercise them for the undoubted benefit of the colonies, and for the purpose of guarding against the errors which, he will tell us, the colonial parliaments would be sure to make in the management of the local affairs and private interests of their colonies, were it not for the great wisdom and superintending intelligence of the noble Earl. I will not presume to dispute any statement of facts made by the hon. Gentleman; but I must observe that that statement, which I have heard repeated so often, contains the argument which the courtiers of every despot have from time immemorial used in defence of the powers of their master; and to that argument I will reply in the words in which the Emperor Alexander replied to Madame de Stael, that a good despot was a "lucky accident." We cannot expect lucky accidents to be of frequent occurrence; and, therefore, to legislate under that expectation would be the height of absurdity.

Sir, I must therefore most reluctantly omit entirely from my consideration the individual merits of the present functionaries of the Colonial Office; and stern logic compels me to remind the House of the fundamental axiom of constitutional government, that no man ought to be entrusted with irresponsible power. Now, the functionaries of the Colonial Office are irresponsible for their management of the local affairs of the colonies; for they are responsible (and in theory only) to those who are themselves irresponsible, and who know little and care little about the colonies; for the Colonial Office is said to be responsible to us; that responsibility every one knows to be a farce, for the majority of us take little or no interest in colonial matters. But suppose it a reality; to whom are we responsible for the management of the local affairs of the colony? To our constituents! Why, that responsibility is a still greater farce; for they know less, and care less, about the colonies than we do. But suppose it a reality; to whom are our constituents responsible for the management of the local affairs of the colonies? To no one! Therefore in ultimate analysis the Colonial Office is irresponsible. For in the language of our constitution the only meaning of the word responsibility is the responsibility of the rulers to the ruled. We distinguish between despotism and free government by this test alone. So do our colonists. And therefore, according to strict constitutional logic, they term the power of the Colonial Office a despotic power; because for the manner in which it is exercised, neither the Colonial Office, nor the British Parliament, nor the people of Great Britain, that is, none of those who rule, are responsible to the colonists, who are ruled over.

Irresponsible power is as distasteful to colonists in a colony, as it would be to Englishmen in England; for our colonists pride themselves upon being Englishmen; and they appeal to the old constitutional maxim, that an Englishman, go where he will, carries along with him, as his birthright, as much of law and liberty as the nature of things will bear. They maintain that their fathers, by emigrating, forfeited none of their English liberties, and that their descendants in the colonies are entitled to political rights corresponding with those enjoyed by Englishmen in England, with the necessary exception of those rights which are irreconcilable with their condition and duties as colonists of the British empire. They assert also, that the foundation of English liberty is the right in a people to a Parliament in which they shall be represented; and as, from the nature of things, they cannot be adequately represented in the British Parliament, they lay claim to a colonial parliament as similar in its form and powers to the British Parliament as the *status* of a colony will admit of. They claim, therefore, for their local parliament a control over their local affairs as complete as the British Parliament possesses over the local affairs of the British islands. And consequently they feel, with regard to the powers of the Colonial Office, as we should feel if our Bills were to be reserved for the sanction of a functionary at the other side of the globe, if our Acts of Parliament were liable to be disallowed at the pleasure of a Secretary of State in Australia, and if our Prime Minister were bound to obey the instructions of the unknown and irresponsible officers of a department at the Antipodes. Like all true Englishmen, they loathe distant and irresponsible government; when weak, they murmur and obey it; as they wax stronger, their murmurs become menaces; their menaces, if unattended to, are followed by rebellion; and rebellion leads to independence. In proof of all this, I ask the House to reflect on the history of our plantations in America. Remember also, how a few years ago, Canada rebelled and obtained responsible government; and how, the year before last, the threats of New South Wales compelled the Colonial Office to abandon its projects! See how the menaces of the Cape of Good Hope forced the Colonial Office to submit, and to bestow upon that colony representative government! Listen to the murmurs of New Zealand, as yet too weak to threaten! Thus, in the eyes of the colonies, our Colonial Office Government is a despotism, tempered by menaces and rebellions—tyrannising over the weak, cringing to the powerful, universally hated, and generally despised. A government, hated and despised by its subjects, is doomed to destruction; and our colonial empire will perish if our colonial system continue unreformed.

Sir, our colonial system must be reformed. How can it be reformed? I answer, by refusing to continue to the Colonial Office the powers to which I have just referred, and by giving to the colonies the greatest amount of self-government that is not inconsistent with the integrity and well-being of the British empire. If this be done in the manner which I propose, the colonies will cease to be subjects of the Colonial Office, and will become integral portions of the British empire; and the present and all future colonies will be so many repetitions of Great Britain, united into one great British empire by common allegiance to one monarch, and to one Imperial Parliament. How can this be done? Before I attempt to answer this question, I must remind the House that I moved last year that an humble address should be presented to Her Majesty, praying that Her Majesty would be graciously pleased to appoint a Commission to inquire into the Administration of Her Majesty's colonial possessions, with a view to a reform of the colonial system of the British empire. I regret much that the House refused its assent to that Motion, and that I am now obliged, unaided by that Commission, to attempt to answer the question to which I have referred.

Sir, in the British empire the powers of Government may be divided into the two classes of Imperial and colonial powers. By colonial powers, I mean those powers which are required for the government of a colony in all matters affecting its local or internal interests. By Imperial powers, I mean those powers which are required for the government of the British empire as one body in all matters affecting its general and external interests. Now, I maintain, as I have already said, that the inhabitants of our true colonies (I mean especially those acquired by occupancy) are entitled to political rights corresponding with those enjoyed by Englishmen in England, with the necessary exception of the rights which can be proved to be irreconcilable with their *status* as colonists, that is to say, irreconcilable either with the local circumstances of their colonies, or with their duties as subjects of the British empire. Therefore, I maintain that, whenever the local circumstances of a colony will admit of the existence of a colonial parliament, the colonial parliament ought to possess powers corresponding with those of the British Parliament, with the necessary exception of Imperial powers. For if it were to possess Imperial powers, it would become an Imperial Parliament, and as there cannot be two Imperial Parliaments in one empire, the British empire would be dissolved. It is evident, therefore, that in order to give to a colonial parliament all the powers to which it is entitled, or in other words to give a colony the greatest amount of self-government that is not inconsistent with the unity and well-being of the British empire, it is evident, I repeat, that the line of demarcation between Imperial and local powers should be fixed by an Imperial statute; that all Imperial powers should be vested in Imperial authorities; that all colonial powers should be vested in colonial authorities; and that the colonial legislatures should be restricted from making any colonial law affecting the extent and distribution of the powers of Government as fixed by Imperial statute.

The first question is how to draw the line of demarcation between Imperial and colonial powers. It might be done in two different manners; either by enumerating colonial powers, and then all other powers would be Imperial powers; or by enumerating Imperial powers, and then all other powers would be colonial powers. I propose to adopt the latter mode, for it is evident that Imperial powers concern fewer topics, are, therefore, fewer in number, and consequently can be more easily enumerated than local powers. I propose, therefore, in the clauses which I have submitted to the House, to enumerate Imperial powers, and all other restrictions which ought to be put upon the powers of the colonial legislatures; and then, with the exceptions so enumerated, to give to the colonial parliaments, within their respective colonies, all the powers possessed by the British Parliament in the British islands.

Sir, I will now attempt to show that the objects which I have in view would be attained by the clauses, or rather constitution, which I have proposed. For this purpose I first ask what are the chief powers of Government? I will answer by quoting Blackstone, to the effect that the Queen is the supreme head of the British empire, and in right of Her regal dignity She possesses absolutely certain special powers called prerogatives. Among the prerogatives of the Crown, or connected with them, are all the chief powers of Government. Therefore, if I were to enumerate and consider the prerogatives of the Crown, in so doing I should have to consider all the chief powers of Government, both Imperial and colonial. Before I do so, I must observe that the Imperial Parliament cannot touch the prerogatives of the Crown without the previous consent of the Crown; therefore, it follows from the principles which I have laid down, that a colonial parliament ought to be restricted from making any law affecting the prerogatives of the Crown after they have been once determined for the colony by an Imperial statute. I will now proceed to enumerate and define the prerogatives of the Crown. According to Blackstone, there can be no difficulty in so doing. For Blackstone says the second great political right of every Englishman, and therefore I contend of every colonist, is "the limitation of the Queen's prerogative by bounds so certain and notorious that it is impossible that She should either mistake or legally exceed them without the consent of the people on the one hand; or without, on the other, a violation of the original contract which, in all States impliedly, and in ours most expressly, subsists between the Prince and the subject." Blackstone then states his intention to consider the "prerogative minutely," to mark out "its particular extent and restrictions," and laughs to scorn those who pretend that the prerogative is too sacred and mysterious a thing to bear the inspection of a rational and sober inquiry. According to him the prerogatives of the Crown respect either the nation's intercourse with foreign nations, or its own domestic affairs.

Thus, with regard to foreign nations, the Queen has the prerogative of sending and receiving ambassadors, making treaties, proclaiming war, issuing reprisals, and granting safe conducts. These prerogatives are evidently Imperial powers; I therefore propose to reserve them to the Crown, and to restrict the colonial parliaments from touching them.

Next, in domestic affairs. First, the Queen is a constituent part of the supreme Legislative Council; therefore the Queen has a negative on all new laws, both Imperial and colonial. It is evident that the Queen can only exercise the veto by means of the officers of the Crown. With regard to colonial laws, at present the Queen exercises the veto by the agency of the Colonial Office, and the Colonial Office exercises it in some cases by the agency of the colonial governor. I propose, because the veto on a colonial law is evidently a colonial power, and for other reasons which I have already stated, that the Colonial Office shall cease to exercise the veto; that the Crown shall vest it in the colonial governor; and that the colonial parliament shall be restricted from making any law affecting its exercise by the colonial governor. It has been stated that I propose to deprive the Crown of the prerogative of the veto. Great stress has been laid upon this statement. It is, however, manifestly incorrect, as the law officers of the Crown will at once admit. For I only propose that certain clauses of the 5th and 6th Vict., cap. 76, shall not be continued. Now the law officers of the Crown will admit that these clauses did not create the prerogative of the veto on colonial laws; and, therefore, they will acknowledge that by omitting or repealing those clauses, the Crown will not be deprived of that prerogative, and that the prerogative of the Crown after the repeal of those clauses will be precisely the same as it was before their enactment. Those clauses merely made it lawful for the Queen, by Order in Council, that is to say, by order of the Colonial Office, to negative colonial laws. I propose to omit those clauses, and that in their stead Parliament shall make it lawful for the Queen, by order of the colonial governor, to negative colonial laws. Therefore, I merely propose to transfer the exercise of the veto from the Colonial Office to the colonial governor; that is, I propose virtually to transport the Colonial Office, with all its powers, to the colonies. For instance, my object would virtually be accomplished if the noble Earl the Secretary of State for the Colonies were transported to New South Wales and made governor of that colony; or if the hon. Gentleman the Under Secretary of State for the Colonies were made lieutenant-governor of Western Australia, and both of them were, as far as their respective colonies were concerned, to retain all the power of the Colonial Office. Without doubt we should deeply grieve to lose the valuable services of the noble Earl and the hon. Gentleman in Downing-street; but I am satisfied that they would render far greater services to the colonial empire in the colonies to which I have referred. For every one will admit that they are Gentlemen of good abilities and much industry, therefore residing in the colonies, with personal experience of the condition of the colonists, with the means of immediately obtaining accurate and impartial information on all colonial matters, it is not impossible that in a year or so they would possess considerable knowledge of colonial affairs, and become useful servants to the colonial empire of Great Britain.

The second prerogative of the Crown in domestic affairs, to which Blackstone refers, is that in virtue of which the Queen is the first in military command in the empire, and may raise fleets and armies and build forts. These are evidently Imperial powers, to be reserved to the Crown, and not to be touched by the colonial parliaments.

3. The Queen is the fountain of justice; therefore the Queen has the right of determining causes by means of her judges, of establishing courts of judicature, and of granting reprieves and pardons. I propose, in conformity with the principles which I have laid down, to reserve to the Queen in Council, 1st, the power of determining all Imperial causes, that is, all causes touching Imperial powers; and, 2ndly, the power of determining all causes whatever on appeal, and of establishing Imperial courts in the colonies with the same jurisdiction as that of the Queen in Council. 3rdly, I propose that the power of granting reprieves and pardons should, as at present, be vested in the governor, and that the colonial parliaments should be restricted from passing any law affecting these powers. I propose also that the colonial governors shall appoint the colonial judges; this power to be subject to any alteration to be made by the colonial parliament, with the restriction, however, that they shall not make any judge's tenure of office different from a judge's tenure of office in this country, that is, dependent on anything but good behaviour, nor diminish his salary during his continuance in office.

4. The Queen is the fountain of honour and office. I propose to reserve to the Queen the power of granting titles of honour and nobility, and of appointing all Imperial officers, and that the colonial parliament shall not touch these powers. I propose that the colonial governors shall appoint all colonial officers; this power to be subject to any alteration to be made by the colonial parliaments, as the colonists will have to pay their own officers.

5. The Queen is the arbiter of com-

merce, and therefore coins money. The power of coining would be reserved to the Crown by my constitution.

6. The Queen is the head of the National Church. I propose that there shall be no National Church in the colonies, and consequently do not propose to reserve this prerogative.

Lastly, I have to mention the fiscal prerogatives of the Crown. I need only mention the power of the Crown to dispose of waste lands, minerals, fines, forfeitures, royalties, and the revenues from the Post Office. I propose to reserve to the Crown the power of regulating the transmission of letters by sea, as that is evidently an Imperial power. I propose to vest in the colonial governor all the other fiscal prerogatives of the Crown, to be exercised according to acts of the colonial parliament, for these are undoubtedly colonial powers of great importance to the colonists.

Sir, I have now, following Blackstone, completed the enumeration of the prerogatives of the Crown, and shown that, with certain exceptions, the colonial parliaments should be restricted from touching the prerogatives. The reserved prerogatives I have divided into two classes. One class containing those prerogatives which are required for the management of the common concerns of the whole empire, such, for instance, as making treaties, commanding armies, &c., are Imperial powers: I have, therefore, reserved these powers absolutely to the Crown. But, as some or all of these prerogatives may at times be required to be exercised in the colonies, I propose that the Queen may vest any of them in the governor of the colony. Therefore, as far as these prerogatives are concerned, the governor would be an Imperial officer, and bound to obey instructions from the Imperial Government, and therefore, in my opinion, he ought to be paid from the Imperial Treasury. The other class of prerogatives, containing those which are required for the management of colonial affairs, are colonial powers, such as the veto, the granting reprieves and pardons, &c. These powers I propose to vest in the governor; therefore, as far as these powers are concerned, the governor would be a local officer, and consequently should not be bound to obey instructions from the Imperial Government. It may be said that the union of Imperial and colonial powers in the same individual is bad in theory. I acknowledge it is so. In theory it would be better to separate them, to vest all Imperial powers in an Imperial officer, paid and appointed by the empire, and to vest all colonial powers in a colonial governor, paid and selected by the colony. I do not, however, propose to raise the question of an elective governor; for, as I have already said, I consider that the question of the form of government of these colonies has been settled in Committee. I will only observe, that it is a fundamental doctrine of the constitution that the Crown, in the exercise of its prerogatives, should always act by Ministers responsible to the representatives of the people. In the colonies the Crown exercises its prerogatives by means of the governor, therefore the governor should be responsible for the exercise of Imperial powers to the Imperial Parliament, and of colonial powers to the colonial parliament. Now, as there can be no doubt that a colonial governor, or any other officer of the Crown, would be removed on an Address praying for his removal being presented from either House of the Imperial Parliament, I think that a colonial parliament ought to possess some power of causing the removal of a colonial governor by an address to the Crown. In order that such power should not be exercised rashly, I propose that, to insure removal, the address must be agreed to by two-thirds of the whole number of members of the colonial parliament.

Sir, in enumerating and determining the prerogatives of the Crown in the colonies, and in restricting the Colonial Parliaments from passing any law affecting these prerogatives, I have stated what are the chief restrictions which I propose to put on the power of the colonial parliaments. The other restrictions which I propose are supplemental to those which I have enumerated. They are required for the same purposes of maintaining the supremacy of the Crown and the unity of the empire both at home and abroad, and are intended to prevent the colonial parliament; 1st, from passing any law affecting the dignity of the Crown, or the allegiance of the subject; 2nd, from interfering with the foreign relations of the empire, and the laws which regulate those relations both in peace and war; 3rd; from interfering with the command of the general forces of the empire; 4th, from conferring any exclusive privilege on any portion of the subjects of the empire; 5th, from violating certain fundamental principles of British policy, which I hold to be sacred; for instance, that there shall be no slavery in the British dominions. I have now stated, in general terms, the legal restrictions which I propose to put on the powers of the colonial parliament. They will be found in detail in the clauses which I have submitted to the consideration of the House. I propose, therefore, that, with the exceptions which I have mentioned, the colonial parliaments shall have the same power of making laws within their respective colonies as the Parliament of Great Britain has within the realm of Great Britain.

Sir, it is evident that it might so happen that a colonial parliament should exceed its powers, and make an enactment in contravention of the restrictions which had been imposed upon it. I propose to declare that such an enactment shall be invalid; and to create a supreme court, which shall determine questions relative to the validity of a colonial enactment. I propose (as, in fact, I have already done) that Her Majesty in Council shall be the supreme court, and shall have both original and appellate jurisdiction in all cases arising under a colonial constitution (as, for instance, when the validity of a colonial enactment shall be called in question), with power to assign any part of such jurisdiction, or to remit any case to the courts of the colony.

I propose to copy, with regard to invalid enactments, the judicial system, and the rules of judicial procedure, of the United States in similar matters. Now, every one who knows anything about the system of constitutional law which pervades the United States of America, knows that a judicial system, by which constitutional law is enforced, is in full operation both in the Federal Union and in every separate State of the Union. For every State in the Union has a State constitution, which is, to a certain extent, the supreme law of the State, and which the State legislature is bound to obey; and to enforce a State constitution there is in every State a supreme State court, which can make void any enactment of the State legislature that is in contravention of the State constitution. Besides these State constitutions and State supreme courts, there is what I may term the Imperial constitution of the United States and the Supreme Court of the United States, which can make void any part of a State constitution, or any enactment of a State legislature, or any enactment of Congress which is in contravention of the constitution of the United States. I need hardly tell any hon. Gentleman who knows anything about American law, or has read the works of Mr. Story, or the commentaries of Chancellor Kent, that this judicial system has worked admirably in the United States for the last seventy years, and that the decisions of the Supreme Court of the United States are of the highest authority, and are quoted as such in our courts of law.

Sir, I may now venture to assure the House that the constitution which I have proposed for these colonies is founded upon the principles and experience of our race. For the plantations in North America, starting from the same premises from which I have started, that is, from the same rules of positive law, and from the same constitutional maxims, arrived at the conclusion that they were by the constitution of England entitled to the same rights which I entreat the House to give to the colonies of Australia. In proof of this position, I might quote the writings of Governor Pownal, in 1760; but I will merely quote a few sentences from the declaration of rights put forth by the continental congress of 1774, two years before the declaration of independence, and when the majority of the inhabitants of the North American plantations were far from thinking of independence :—

> "The good people of the several colonies, alarmed at the arbitrary proceedings of Parliament and the Administration, declare—That their ancestors were, at the time of their emigration, entitled to all the rights and liberties of natural-born subjects within the realm of England. That by such emigration they by no means forfeited any of those rights, but that they were, and their descendants now are, entitled to the exercise of all such of those rights as their circumstances enabled them to exercise. That the foundation of English liberty is a right in the people to participate in their legislative council; and as the English colonists are not represented, and can not be properly represented in the British Parliament, they are entitled to an exclusive power of legislation in their several provincial parliaments in all cases of taxation and internal polity, subject only to the negative of the Sovereign."

Sir, unfortunately we did not assent to these positions,and the plantations rebelled. During the rebellion, hostility to England was their bond of confederation. When they gained their independence, that bond was dissolved, and the Union was for a moment on the eve of perishing. Then, according to De Tocqueville, an event occurred new in the history of nations, and of which all Anglo-Saxon men should be proud :—

> "Then a great nation, informed by its legislators that the wheels of government were about to

> stop, proceeded, without fear of precipitation, to search out the causes of the defect, and waited patiently for two whole years to discover the remedy; and when the remedy was discovered, they willingly submitted to it without its costing one tear or one single drop of human blood."

The result was the existing constitution of the United States. The great statesmen who framed that constitution had this problem to solve (the same which I have endeavoured to solve); to divide the powers of government between the States and the Union, so as to reserve to the States self-government in their internal affairs, and at the same to invest the Union with the general government of the whole nation. The men who framed that constitution were deeply read and firmly believed in the constitutional law of England; and they modelled their new constitution after their ideas of the old one. They invested the Union with all the executive prerogatives of the Crown, almost copying the language of Blackstone; and thus gave to the Union all the Imperial powers which I propose to reserve to the Crown. They deprived the States of certain powers which are almost identical with the restrictions which I propose to put upon the powers of the colonial parliaments. In order to prevent the Union from encroaching upon the powers of the States, and in order to prevent the States from curtailing the powers of the Union, they established a Supreme Court, and a judicial system similar to that which I propose for the colonies.

The most difficult and important questions which have been brought before the Supreme Court of the United States, have been questions with regard to the powers of Congress, and with regard to the powers which Congress possesses, concurrently with the States, of laying on taxes. Now, similar questions cannot arise under my colonial constitution, because I do not propose to put any legal limit to the powers of the Imperial Parliament. The constitutional questions which can arise under my colonial constitution, appear, from the experience of the United States, to be of rare occurrence, and easily decided. Now, as I have already stated, every one who has studied the subject acknowledges that as far as the division of the powers of government is concerned, the constitution of the United States has worked well for the last seventy years. Therefore I am entitled to infer that my constitution for the colonies, which, as far as the division of the powers of government is concerned, is similar in principle and machinery to that of the United States, would also work well.

Sir, it seems to me that there is a striking analogy between the system of government of the United States, and what ought to be the system of government of our colonial empire. For the United States is a system of States clustered round a central republic. Our colonial empire ought to be a system of colonies clustered round the hereditary monarchy of England. The hereditary monarchy should possess all the powers of government, with the exception of that of taxation, which the central republic possesses. If it possessed less, the empire would cease to be one body politic; if it continue to possess more, the colonies will be discontented at the want of self-government, and on the first occasion would imitate their brethren in America. To prevent such an event, I propose that the Colonial Office shall cease to interfere with the management of the local affairs of these colonies, and that they shall possess the greatest amount of self-government that is not inconsistent with the unity and well-being of the British empire. With this object in view, I submit to the consideration of the House the measures to which I have referred. I do so with diffidence as to the details of these measures, but with confidence that they are founded upon the true principles of colonial policy. I therefore ask the House to recommit this Bill, and to consider these measures in detail.

Motion made, and Question put, "That the Bill be recommitted."

MR. ADDERLEY seconded the Motion.

MR. LABOUCHERE said, he wished very briefly to state the reasons why he could not accede to the proposal of the hon. Baronet to recommit this Bill, for the purpose of considering the clauses of which the hon. Member had given notice. The subject which the hon. Baronet had brought forward was not new to the House, as it had been already explained to them with great detail and much ability by the hon. Gentleman. With regard to the great object which the hon. Baronet professed to have in view, there was no difference between them, that object being to secure the true interest of both the mother country and the colonies, by leaving the management of local concerns, as much as possible exclusively to the colonies, while the mother country exercised her authority in restraining the different colonial possessions from acting in a hostile spirit towards each other. To that principle he did not purpose to offer any opposition: but it was because he was convinced that the scheme and the machinery by which the hon. Baronet sought to carry out his object would be so far from effecting it, that, on the contrary, it would be the means of producing certain discontent in every part of the colonial empire, that he felt bound to oppose the present Motion. What were the principles of the scheme which the hon. Baronet proposed? The hon. Baronet undertook in an Act of Parliament to define the prerogatives of the Crown, and to define and limit imperial questions, as distinguished from questions of a local nature. The hon. Baronet told the colonies that they were not to interfere in the matters excepted in the Bill, but that they were to be at liberty to interfere in all other matters whatever. Now, he (Mr. Labouchere) would maintain that it was impossible to define, with sufficient precision, the distinction between colonial and Imperial interests, and still more the prerogatives of the Crown. The hon. Baronet had quoted Blackstone; but he should be very much astonished, indeed, to hear any lawyer of eminence say that all matters in which the Royal prerogative was likely to arise, might be introduced in an Act of Parliament. There were many points of this character which occurred even to himself, as being omitted from the hon. Baronet's list. For instance, the entire question of martial law was left out, and also the whole subject of escheats, so that if a man die intestate and without kin in the colonies, his property would go to entire waste. There were, no doubt, other points which would occur to a legal mind as being omitted in the eighteen heads to which the hon. Baronet limited the Royal prerogative. He apprehended that questions would at once arise between the colonies and the Imperial Parliament which would have to be referred to the Judicial Committee of the Privy Council. The hon. Baronet, aguing from the analogy of the United States' system, expected that the decisions would give complete satisfaction; but he (Mr. Labouchere) totally dissented from any such supposition. He believed that the system would lead to endless irregularities, and that the consequence would be confusion and delay, and greater discontent than had ever before existed. The analogy on which the hon. Baronet dwelt so much, as drawn from the Supreme Court of the United States, was altogether a mistake. That Supreme Court was, no doubt, a very valuable institution, but there was no similarity between it and the system of the hon. Baronet. The Supreme Court represented in an equal manner all the different portions of the country; and the different States, at least hitherto—he would not say what the effect might be on the annexation of California—hitherto the different States had not been separated to so great a distance from each other as to prevent the plan from working. But that was different from the plan proposed by his hon. Friend, where the court would have to adjudicate upon questions coming from the other end of the world. There was another point to which he wished to draw the attention of the hon. Baronet—that, according to the arrangement he proposed, a difference arising between the mother country and the colonies could not be discussed in the spirit of compromise, with a desire to yield a little on both sides, and thus to arrive at a satisfactory conclusion, but it would be decided on by judicial, nay it might be on technical grounds, without regard to the consequences that might ensue. To suppose that such a scheme would lead to the conciliation of the colonies, was one of the wildest imaginations that ever entered into the mind of his ingenious Friend. He was unwilling to detain the House longer; he believed that however well intended this scheme might be, the machinery by which it was proposed to be carried into effect was so involved and intricate, that that alone would be a conclusive objection to the measure. It was an observation of Burke's, in relation to colonial measures, that a refined policy ever was the parent of confusion, and ever would be; and he was satisfied that this would be pre-eminently the case with his hon. Friend's scheme, which would be disastrous where it was not inoperative. None of the colonies had asked for such a plan; he believed to none of them would it be acceptable; and, therefore, he hoped the House would not consent to the Motion.

Mr. ADDERLEY said, he must complain of the off-hand manner in which the right hon. Gentleman the President of the Board of Trade had treated this question: the right hon. Gentleman seemed to think that a reply of ten minutes was sufficient to meet the elaborate and statesmanlike speech of the hon. Baronet the Member for Southwark. At the beginning of his speech, the right hon. Gentleman said the scheme was not new—before he sat down he declared it was one of the wildest schemes that had ever entered the brain of man. He should certainly have been surprised if the hon. Baronet had said it was new, for the right hon. Gentleman and his colleagues had admitted the principle again and again. The difference between them was this—that the hon. Baronet was both ready to lay down the principle and to apply it; the Government were willing enough to lay down the principle, but they fought shy of the application. He would remind the House that the question now before the House did not trench upon the subject of former debates. These debates had referred to the best form of government which they could give the colonies, and that which the colonies were most anxious to obtain; but this was altogether a new question—a question in which the Australian colonies were not alone concerned, but which related to all the colonies of the empire. The question was, whether, the form of government being settled, they would give up the legislation of colonial affairs to the colonies or not; whether they would retain the interference with the colonies of the Colonial Office—a system which nobody in the House had ever defended, except those who happened for the time to be in the Colonial Office. The answer of the right hon. Gentleman was that he agreed generally in the theory, and that he and his colleagues had carried it out as far as it was practicable; that they only stopped when its application became wild and chimerical. The theory was, in fact, the theory of the Whig party—it was the doctrine on which they plumed themselves before they came into office; but all he could say was, that if they did not now repudiate it, at all events they were not ready to carry it out in practice, but that with a boldness in their mode of proceeding which was almost captivating, they first asserted a great principle, and then carried out a measure which was directly contrary to that principle. That this had been the principle of the Whig party he would prove from the speeches of Earl Grey and the hon. Gentleman the Under Secretary for the Colonies. In the memorable debate on New Zealand, in 1845, Earl Grey, then Lord Howick, said—

> "The duties of Government required in an infant settlement might be discharged by the colonists themselves. He hoped they would revert to the ancient and wise policy of their ancestors, and allow the colonists to govern themselves. When he looked at what their ancestors accomplished two centuries ago under this system, and contrasted it with the results of attempting to govern from Downing-street a settlement at the Antipodes, he must say experience was decidedly in favour of allowing a colony to govern itself. We have melancholy proof of the height to which misgovernment might be carried in Downing-street before an effective remedy could be applied. From experience in Downing-street he was persuaded that it was utterly impossible for any man, be his talents and industry what they might, adequately to administer such complicated affairs all over the world. It was totally impossible to remedy this deficiency by constituting a board."

This was the whole question at issue—whether the Colonial Office was to administer the local affairs of the colonies, or whether the colonies were to be allowed to administer those affairs themselves. Then, in the same debate, the present hon. Under Secretary for the Colonies said—

> "Complaints were capriciously treated, when they interfered with the schemes and plans of the Colonial Office. But a spirit was springing up in the colonies which would force on this Office a different system. All he contended for was this, that nothing could so speedily and so surely accelerate the prosperity of the colonies as their emancipation from the hands of the colonial authorities at home, and their being left as free agents to govern themselves, with as little interference from home as the political relations of the mother country would permit."

That was a strong opinion given on the part of the hon. Gentleman. The principle now before the House was not, therefore, to be considered as new; and, however insignificant it might appear to the right hon. the President of the Board of Trade, it was universally considered very important in the eyes of his colleagues. What was the theory? Simply this, that occupation colonies have a right to the British constitution; that the British constitution was a mixed constitution, and did not recognise the interference of the Crown in all its branches, which were independent of each other, and intended as checks—one branch always being purely popular; that to carry out this constitution in distant dependencies required the delegation of the Crown functions to a governor on the spot; but that the governor having acted, there remained no second action for the Crown—no double-barrelled monarchy. In all matters, then, of legislation on the spot, the Crown must wholly delegate its functions to its representative; and all metropolitan vetoes, minute local instructions, reservations, and disallowances of local ordinances, were a breach of British privileges, being a stage of legislation unknown to the British constitution. But in all matters which only affect the colonies in common with the rest of the empire—matters imperial—the Crown and Imperial Parliament acted for the whole, without any consultation with the local parliaments. But what was the Government Bill? Any approach to this? None whatever, but a sort of constitution, half Russian, half English—a cross between a principle of despotism and oligarchy, with a spice of democracy dashed over the whole. In every act of legislation there is—1st. The Crown riding over all. 2nd. The Crown Governor. 3rd. The Crown nominees; and last, in the corner, *assuitur pannus unus* of the British principle of popular representation. [*Cries of* "Divide!" If hon. Members were determined not to listen to the discussion, he was ready to vote on the question at once; but it was impossible for him to proceed in the present temper of the House. What was there impossible in the measure? So far as he understood the brief and hurried speech of the right hon. Gentleman, his objection to the system was, that it was impossible to define the prerogative of the Crown. The right hon. Gentleman declared that he had never heard of an attempt to define the prerogative of the Crown before; but he (Mr. Adderley) had always understood that it was one of the most important privileges of the British people, that they had liberty to define the prerogatives of the Crown; and undefined prerogative was certainly a new sort of argument in the mouth of a Whig. From the days of the Edwards down to the present, many statutes had been passed for no other purpose than to define the prerogative of the Crown. But, said the right hon. Gentleman, the hon. Baronet has omitted from his enumeration of the prerogatives the right of proclaiming martial law. Now, let the House consider, with reference to this, a recent case where that right was called into play. It had lately been considered to be necessary that martial law should be proclaimed in Ceylon; but according to the right hon. Gentleman it would have been much better that the proclamation should have been reserved in the hands of Queen Victoria, not in those of the Governor of the colony. He had always understood that martial law was to be proclaimed only in cases of great emergency; if then it could be postponed till instructions could be applied for and received from home, it ought not to be proclaimed at all. The right hon. Gentleman also objected that there was no analogy between the Supreme Court of the United States and this scheme, because, said he, the United States were not so far separated from each other as the colonies were from this country. The right hon. Gentleman did not see that it was the distance which gave strength to the argument of the hon. Baronet; and that, if the colonies and the mother country were near each other, there would be no more need of separation between local and imperial questions than exists between Cornwall and Middlesex. It was only the distance which prevented Her Majesty from appearing in person in our colonies, and which compelled her to delegate her functions to a Governor; and which, on the other hand, prevented the colonists from personal attendance in the Imperial Parliament. But neither the right hon. Gentleman nor the noble Lord at the head of the Government appeared to understand what the theory was. It was not, as they seemed to suppose, that a certain class of colonial laws should have imperial sanction, and all the rest not; but it proposed that, in all local affairs, the colony should wholly legislate, and that over imperial questions Parliament should wholly legislate, and the colonial legislatures should have no control whatever. Now, where was the impossibility of carrying out such a system? He could give plenty of proofs that it was possible to carry it out—he defied any one to show that it was impossible. The first proof he would bring was, that all empires made up of aggregate States had effected such a separation. His second proof was, that in all the early American colonies this country made such a separation. His third was, that in the present system of the United States such a separation was successfully made; and his fourth was, that in the present Bill the Ministers had attempted, though in a bungling manner, to make this very separation. In support of this question, he would read an extract from one of the very highest authorities on colonisation, Mr. Gibbon Wakefield. His words were—

> "Until we began to colonise with convicts towards the end of the last century, the imperial power of England never, I believe, in a single instance, attempted to rule locally from a distance a body of its subjects who had gone forth from England and planted a colony. In every such case down to that time, the imperial authority recognised by word and deed the necessity of allowing the colonists themselves to govern locally.

The colonists of Rhode Island were empowered 'to make, ordain, and constitute, or repeal such laws, statutes, orders and ordinances, forms and ceremonies of government and magistracy, as to them shall seem meet for the good and welfare of the said company, and for the government and ordering of the lands and hereditaments, and of the people that do, or at any time hereafter shall, inhabit or be within the same.' It is needless to multiply such examples. Speaking generally, the powers of local government, both legislative and executive, were granted by a few simple and comprehensive words. Then came the restrictions:—For the English, having free institutions at home, had no machinery for administering the central system abroad. It was impossible that Parliament should itself legislate for many far-off dependencies. But, instead of delegating power to the colonies themselves, as till then had been the rule, the supreme authority created an Office in London, and upon it bestowed legislative and executive power over the colonies."

For his second illustration, he need only remind the House, that the sole idea the great founders of American Independence had in framing Congress, was to obtain a substitute for the rejected imperial power of England. They left in the several States the old colonial local legislature; they gave a depositary for imperial functions. This, by the by, shows the mistaken idea of Congress in its imitation in this Bill. His third illustration, the present separation between local and central functions in the constitution of the United States, had been amply dealt with by the hon. Baronet. With regard to the last reason he had assigned, he might remind the House that in constituting a body which they called the General Assembly in this Bill, the Government themselves attempted the separation, and proposed to give them imperial power. ["No, no!"] He was satisfied that, on examination, it would be found so, although they had tried to jumble together imperial and local affairs; and the consequence, he was satisfied, would be found to be that the constitution of that body would prove the separation of the colonies from the mother country. But what he wanted was, to see if there was any chance of the colonies obtaining local self-government from this Bill; and on this subject he would read a few words from a newspaper which had just arrived from New South Wales; and as the noble Lord at the head of the Government on a former occasion had laid great stress on certain extracts from a newspaper he had received from the Jerusalem Coffee House, perhaps the Government would pay some attention to the following extract from the *New South Wales Vindicator*, of January 19, which had arrived since that time:—

"We have long been compelled to forego the just rights and privileges to which we are entitled as the sons and brothers of Britons. . . . We have all a right now to come forward, to claim those free institutions which we desire to be implanted amongst us, which shall confer on us the power of governing ourselves. . . . Ere long the new constitution for the government of this as well as the other Australian colonies will be received, and come into operation; and then, if the people are only true to themselves—they don't look to you or your Bill—a mighty change for the better may speedily be effected. . . . Public attention has been much aroused of late to the monstrous sort of 'constitutions' which have been thrust upon the colonies. . . . It is clear that there are now at last men in the British Parliament alive to the interests of the colonies, and we fully anticipate that Earl Grey's Bill, by the time it has become law, will have received such alterations and modifications as shall have made it perfectly acceptable to us."

It was clear, therefore, that the colonies looked forward to the Bill merely as a means for self-emancipation, which would finally enable them to destroy it, and to arrive at local self-government, with the assistance of those who opposed Government in this House. The same feeling existed in other colonies. In other colonies the same complaint against this system of half-concession is made; and in Nova Scotia an able Member of the Legislature made similar complaints; he said—

"Lord J. Russell and Earl Grey were always leading us to suppose that they recognise our right to deal with matters of domestic and internal concerns; but these professions only end in the British Government withdrawing from the control of our affairs when it is convenient for them in that way to get out of their promises and debts, but immediately after recurring to their system of interference and domination."

He instanced the dismissal of Mr. Fairbairn, the repudiation of arrears of salaries, and the purgation of the commission of magistrates in that colony. He added—

"We would prefer less independence if we might only know what we have with distinctness; and what we have, let us possess on some sure foundation. If the veto on our acts is to be ineffectual, why retain it? If it is to be used on convenient occasions it will irritate, but never command willing acquiescence. Control once repudiated, and yet recurred to under pretence of its being only nominal, can never again be looked upon as legitimate; it will only be yielded to per force, and for ever kicked at, till at last with it will go the whole connexion."

He thought, therefore, he had a right to appeal to the Government, and ask them whether they would carry out their principle and drop their measure, or whether they would carry their measure, and repudiate their principle? And he appealed to those hon. Members who had hitherto supported the Government, whether they would continue to prop up the meddling interference of the Colonial Office, or whether they would give their votes, as they had already given their speeches, in favour of the right of the colonies to manage their own affairs, without the mischievous abuse and bootless expense of the Colonial Office.

SIR G. GREY would remind the House that the specific Motion before it was, that this Bill be recommitted for the purpose of introducing clauses, purporting to define imperial and colonial questions, and to give the colonial legislature the absolute unrestricted power of dealing with questions strictly colonial, reserving to the Queen in Council—not to Parliament—the right of dealing with matters which were to be considered strictly imperial. The hon. Member for North Staffordshire appeared totally to misapprehend the arguments of the right hon. Gentleman the President of the Board of Trade. The hon. Gentleman said, that the Government advocated the principle of allowing colonial legislatures to legislate upon all subjects falling properly within their province, and he seemed to think that there was some great inconsistency in the Government opposing the introduction of these clauses. But the great objection made by his right hon. Friend the President of the Board of Trade was, that the clauses showed the impracticability of inserting in an Act of Parliament any such accurate definition of imperial and colonial questions as could carry out the object proposed. The hon. Baronet the Member for Southwark proposed to specify certain powers and prerogatives which should be reserved to the Queen in Council; and at the end of the list of these, fifteen in number, he would add—"And all powers necessary for giving effect to the above powers and prerogatives." It was to the vagueness of the proposed definition that the great objection lay; and one could hardly conceive anything more unwise than to insert in the Act an uncertain definition, likely to raise all sorts of questions. The sentence just alluded to was certainly most comprehensive; and the result of the clause would be perpetual doubt, and constant questions and collision between the colonial and imperial authorities. That was the objection raised by the right hon. Gentleman to this proposal. He (Sir G. Grey) entertained that objection himself; and he must apologise to the hon. Gentleman, though not to the House, for not being able to speak half an hour upon the subject.

MR. GLADSTONE could not give the vote which he intended to give in support of the Motion of the hon. Baronet, without stating briefly to the House what he intended to imply by that vote. The right hon. Gentleman who had just sat down expressed the opinion that it would be found quite impossible in practice to draw the line of demarcation between the powers of the Crown and the Parliament on the one hand, and the powers of the legislative assemblies of the colonies on the other. It would be too much he (Mr. Gladstone) thought to assert, in very strong terms, the negative of that proposition. But the principle on which he intended to give his vote was this, that it was a most valuable and important object to attain to emancipate the colonial legislatures altogether, in all matters purely of a local nature, from the control and interference of the Government at home, excepting upon defined and specified subjects, involving imperial considerations. That, he conceived, was an object of sound colonial policy, secondary to none in value and importance. But then it was said it was impracticable. Now, he had seen enough of its practicability to justify him in giving his vote in favour of having the question carefully examined; for he did not think that vague opinions glibly explained in debate were any sufficient answer to a Motion that contemplated the attainment of a great practical object, because we must recollect that we had in former times colonies in North America, the acts of which were not subject to any review whatever at home. These colonies grew and flourished under that system; and no inconvenience that he was aware of was ever felt while that system remained. At present if an Act passed a colonial legislature, and it were found in the minutest point to contravene the law of England, the Secretary of State was obliged to disallow it, and call upon the colony to amend it. Why was that so, that the law of England in every particular overrode the law of the colony? Might it not be that a multitude of details rendered it desirable that the local legislature should have the power of departing from the law of England? Whilst this might be required for the convenience of the colony, it would also be for the benefit of the mother country, because he thought it desirable to relieve this country from its present responsibility on matters in which it could exercise no effective, valuable, or serviceable control. On these accounts, he thought the question ought to be most carefully examined by persons of the highest legal acquirements and acumen, as to whether it was not advisable to define strict limits within which the imperial power should be reserved, and subject to which an unlimited discretion should be given to legislatures of the colonies, so as to get rid of a great portion of the machinery of an administrative department, which had worked—perhaps of necessity—in this country in a way to cause most painful divisions, and in some manner, in his opinion, to involve national discredit. On that ground, and not assuming that the result of the investigation would be completely successful, but believing it would be of great value and importance, he should vote with the hon. Gentleman the Member for Southwark for the recommittal of the Bill.

The House divided:—Ayes 42; Noes 165: Majority 123.

List of the AYES.

Adair, H. E.
Booth, Sir R. G.
Brisco, M.
Brooke, Lord
Cobbold, J. C.
Cobden, R.
Conolly, T.
Currie, H.
Deedes, W.
Disraeli, B.
Duckworth, Sir J. T. B.
Dundas, G.
Fitzroy, hon. H.
Floyer, J.
Fortescue, C.
Fox, S. W. L.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Gore, W. R. O.
Hornby, J.
Hudson, G.
Lennox, Lord A. G.
Lushington, C.
Manners, Lord G.
Napier, J.
O'Brien, Sir L.
O'Connor, F.
Scholefield, W.
Scott, hon. F.
Seymer, H. K.
Stanley, hon. E. H.
Sturt, H.G.
Sullivan, M.
Sutton, J. H. M.
Taylor, T. E.
Thompson, Ald.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R. H.
Williams, J.
Wyld, J.

TELLERS.
Molesworth, Sir W.
Adderley, C. B.

List of the NOES.

Adair, R. A. S.
Anderson, A.
Anstey, T. C.
Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blair, S.
Bouverie, hon. E. P.
Boyd, J.
Boyle, hon. Col.
Bramston, T. W.
Brotherton, J.
Buller, Sir J. Y.
Burke, Sir T. J.
Campbell, hon. W. F.
Caulfeild, J. M.
Cavendish, hon. G. H.
Cavendish, W. G.
Clerk, rt. hon. Sir G.
Colebrooke, Sir T. E.
Collins, W.
Colvile, C. R.
Cowan, C.
Cowper, hon. W. F.
Cubitt, W.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, E.
Denison, J. E.
D'Eyncourt, rt. hn. C.T.
Divett, E.
Duff, J.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
East, Sir J. B.
Ebrington, Visct.
Ellice, E.
Ellis, J.
Elliott, hon. J. E.
Enfield, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, Sir D. L.
Fagan, W.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J.W.
Fordyce, A. D.
Forster, M.
French, F.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Hallyburton, Lord J. F.
Harris, R.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcote, G. J.
Heneage, G. H. W.
Henry, A.
Hervey, Lord A.
Heywood, J.
Hodges, T. L.
Howard, Lord E.
Howard, hon. C. W. G.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Jervis, Sir J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lewis, G. C.
Lindsey, hon. Col.
Littleton, hon. E. R.
Loch, J.
Lygon, hon. Gen.
Mackinnon, W. A.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Martin, J.
Matheson, J.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Morgan, H. K. G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Norreys, Lord
O'Connell, M.
O'Flaherty, A.
Ogle, S. C. H.
Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Pelham, hon. D. A.
Pinney, W.
Plowden, W. H. C.
Pugh, D.
Raphael, A.
Rawdon, Col.
Rice, E. R.
Roche, E. B.
Romilly, Col.
Romilly, Sir J.
Russell, hon. E. S.
Rutherfurd, A.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Smith, J. A.
Smyth, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, H.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Trelawny, J. S.
Trollope, Sir J.
Tufnell, H.
Vane, Lord H.
Verney, Sir H.
Vivian, J. H.
Walmsley, Sir J.
Wellesley, Lord C.
Westhead, J. P. B.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Young, Sir J.

TELLERS.
Hill, Lord M.
Bellew, R. M.

Mr. GLADSTONE then rose to bring forward the Motion of which he had given notice, consisting of a clause and several provisoes on the framing and construction of which he prayed for a lenient consideration by the House. He desired to propose that, whatever might be the state of the law here, inasmuch as great doubts affected the right of the members of the Church of England in the Australian colonies to make regulations for the conduct of their local affairs in spiritual matters, these doubts ought not to be allowed to impede their free action in that respect, but that it should be lawful for the bishop, and clergy, and laymen, declared members of the Church, and in communion with it, to meet together on the footing of mutual assent, and adopt such measures for their government as they might consider desirable and expedient. And here, he must say, that he thought it the absolute duty of the Government, charged as they were with the superintendence in so many ways of the interests of the Church, to have included this subject in any attempt to pass a final Act with regard to the local affairs of the Australian colonies. But as they, with the best means at their command for discharging this duty, had not thought proper to undertake it, he had himself very reluctantly stepped so far into their place as to have applied the very limited means within his reach for preparing a proposition to submit to the House on this question. He hoped, therefore, that what he had to say would be considered with some indulgence, and that the law officers of the Crown (whose legal acuteness ought to be directed to devising and framing legislation on this subject, instead of being confined to criticising and objecting to the plans of legislation submitted by others) would at least treat him with mercy and forbearance. He had placed on the list of Notices a clause which enabled and gave the sanction of Parliament to these proceedings of the members of the Church in Australia, on the footing simply of a voluntary and private compact; and he could not declare too early or too explicitly what was the nature of his object. The House ought well to understand that the system of established religion did not prevail in Australia for any useful, intelligible, or rational purpose. It prevailed, if it prevailed there at all, for no other purposes whatever than those of incumbrance and vexation, of impediment to law and to order, of disturbance to the minds and the feelings of men; giving occasion sometimes to the raising of claims which, whatever they might be here, were there altogether out of place; never leading to, nor ever being entitled to lead to, the recognition of those claims, which were wholly alien to the state of society in these colonies; but, at the same time, retaining an unfortunate and disastrous existence, for the purpose of impeding the religious action of the Church, of preventing good understanding among her members, and of introducing confusion where peace and harmony ought to prevail. He therefore proposed to call on the House not to take upon itself the responsibility of determining what the system of church discipline and government should be in Australia—for in doing that he thought they would fall into a fatal error—but simply to untie the hands of those of their fellow-Christians and fellow-subjects who are members of the same Church and profession of religion to which the great majority of themselves adhered, and which was established in this country—to untie the hands of those who had carried the same faith and the same principles into distant lands, but who found themselves in these distant lands divested of every advantage which we possess by law, and divested at the same time, or deprived, and hindered, and barred from every advantage which the dissenting communities possessed in virtue of their civil rights and privileges as Englishmen. And he would point out to the House that it lay under the absolute obligation to provide one of two things—either that members of the Church established by law should carry out to the colonies the privileges they here enjoyed; or if it should appear, as he believed it did, not desirable for that Church itself, nor agreeable to the feelings of the community, that they should carry out these privileges, that at all events they should fall back upon original and natural freedom, and that we should not have an exception to the general system of freedom that prevails in the colonies, by leaving the members of any religious profession, and least of all, if he might say so, those of the communion to which he referred, under those disabilities which the law imposes, without any of the corresponding advantages which it confers. Besides the clause he had read, he proposed to submit five provisoes, which appeared in the Votes—all of them limiting the enacting power; but he considered it to be simply a declaration of the restoration of these persons to their original freedom as individuals; the limitations being proposed from a regard to sentiments of jealousy which he was unwilling to arouse. He could not say that he believed these provisoes to be either absolutely necessary or strictly justifiable on principle; because there was nothing in the state of the Church in Australia which warranted us in adopting towards it a system of exceptional legislation. But at the same time they were provisoes which would be consistent with the attainment of the practical object that he had in view. The first of them provided, and he thought very properly—

> "That it shall not be lawful to impose or inflict, by any such regulation, any temporal or pecuniary penalty or disability other than such as may attach to the avoidance of any office or benefice held in the said Church."

The second proviso was—

> "That no such regulation shall be binding on any person or persons other than the said bishop or bishops, and the clergy and the lay persons within the said colonies who are or may be declared members of the Church of England, or otherwise in communion with him or them respectively."

The third was—

> "That any such regulation, touching the existing relation of the said bishops, clergy, and others, to the Metropolitan See of Canterbury, shall be forthwith transmitted by the presiding bishop, or his deputy, to the archbishop of the said see, and shall be subject to disallowance by the said archbishop, under his hand and seal, at any time within twelve months from the passing of the said regulation, or within six months from the receipt thereof by the said archbishop, but not afterwards."

The fourth was—

> "That it shall not be competent to the said bishops, clergy, and lay persons, or any of them, to pass any regulation affecting the rights of the Crown in the nomination of bishops, without the consent of Her Majesty's Principal Secretary of State for the Colonies."

The last proviso was intended to secure a substantial conformity in the colonial character with the Church at home; because it provided—

> "That no such regulation made as aforesaid shall authorise the bishop of any diocese to confirm or consecrate, or to ordain, license, or institute, any person to any see, or to any pastoral charge or other episcopal or clerical office, except upon such person's having immediately before taken the oath of allegiance to Her Majesty, and having likewise subscribed the Articles of the United Church of England and Ireland, and declared his unfeigned assent and consent to the Book of Common Prayer."

He saw no injustice in requiring that they should continue to conform to the general and fundamental conditions on which the religious system of this country rested, as long as they thought fit to continue in communion with it. And he believed, likewise, that great jealousy would justly be excited if he proposed to give them the power of over-riding these conditions; although he was bound to say he did not believe that they would abuse the most unlimited freedom, even if it were granted to them. The House would observe that they were not dealing with the case of the Church at home, and likewise not with the case of the Church as it exists in the colonies generally. The state of the Church differed in one colony as compared with another throughout the wide circuit of our empire, almost as much as the state of the Church in any one colony differed from the state of the Church at home. In the West Indies the Church was a *quasi* establishment, possessing almost every privilege enjoyed by the Church at home. But go to our North American colonies; they would find they had great differences amongst themselves; but on the whole we should find them possessing very few of the features of the Established Church. The lands in Canada, indeed, were divided amongst the various religious bodies, but not in equal proportions. There was a large number of endowed rectories in Canada West, in favour of the Church of England; and, in fact, looking to the state of the Church of England and the Church of Rome in Canada, it could not be said that anything like a perfect religious equality prevailed. Therefore he asked the House to put aside all ideas gathered from the position of the Church at home, or in the West Indies, or in British North America. What they had to look to was the religious condition of the Australian colonies; and it was exclusively upon that he addressed the House on the demand which he now made. It was upon the grounds of religious equality in the first instance, although by no means exclusively, that he wished to base this demand. There was no religious preference worth a straw from one end of the Australian colonies to the other. It was true the Church was salaried, and its ministers received stipends; and it was equally true that in many cases her bishops might receive larger stipends than the bishops of the Church of Rome; but this was simply a matter of division as among the several ranks of the various religious communities. Where Presbyterianism prevailed, of course there was no inequality; and in New South Wales the bishops naturally and properly drew larger salaries than the clergy; but the sums which the State provided for the purposes of religion were divided simply and solely —except in cases of life interest—according to the respective numbers of the different religious communities. There was nothing of a permanent character in these endowments. It had been the pleasure of Parliament to provide a certain sum annually, to be paid to the ministers of religion, or for the erection of churches; and it might be the pleasure of Parliament very shortly to alter that amount; and under the Bill now passing, increased facilities are given for altering it. It was called an endowment for the time being, indeed, but, strictly speaking, it was not an endowment, but a salary—a salary not belonging to any community on account of any particular religious profession, or on any other account, but open alike to all professions of religion which are included within the Christian name in this colony. Well, if this were so, he did urge that it was not just that the members of one of these professions should be placed, or should be left, under disabilities that did not attach to others. He maintained, that whatever their condition might be, they ought to be put on a footing of equality with other religious communities. He did not deny that we had the power, but we had no right, as a matter of justice and equity, to leave them under disabilities which are derived from the operation of laws at home, when all the beneficial provisions of these laws had ceased to act in their favour. But the case was one of very great urgency to have settled by that House, because we could not play these pranks; for he must say that Parliament and the State had been playing pranks with the Church for a considerable time, and particularly with the colonial church —we could not exhibit this contemptuous neglect of what was necessary for her peace and order without very great practical evil; and he would show them that the practical evils caused in the colonies by such a state of things had been allowed to attain considerable magnitude. What were these practical evils? First, as to endowment. There were the colonies beyond New South Wales, including Port Phillip, Van Diemen's Land, South Australia, and Western Australia; but Western Australia was a case too insignificant to be mentioned. With regard to South Australia, Parliament had no information, but he believed that no endowment had been voted for that colony, or, at all events, that it was something very slight. Then he would pass that by also; but the great gist of the case lay in New South Wales and Van Diemen's Land. The systems of these two colonies were so nearly akin, the one to the other, that he would take them as if they were they same; and, inasmuch as the law was more express in its enactments in Van Diemen's Land than in New South Wales, he would principally refer to the law as it existed in Van Diemen's Land. The provisions of the law with regard to endowments was generally this: When a certain number of adult persons, declaring themselves to belong to any Christian communion, associated together to become a congregation of that communion, and had subscribed a certain amount, whether it was towards the stipend of a clergyman, or the erection of a parsonage or a church, then the State should step in to aid them by a corresponding contribution. It also provided that no salary should be payable to any clergyman unless he was appointed according to the laws and usages of the communion to which he belonged, and unless his appointment had been confirmed by Her Majesty, or the Lieutenant Governor. It also provided that no such clergyman should continue to be paid his salary after he had been tried and deprived for any ecclesiastical offence, according to the laws and usages of his communion. And a third provision gave power to the Executive Government to institute inquiries into the conduct of any clergyman suspected of not being engaged in discharging his duties; and if the charge were proved, to discontinue the payment of his salary. That, in general terms, was the legal system of endowed, or, more properly speaking, stipendiary, establishments which prevailed, as far as any such system prevailed, in the Australian colonies; and it took no cognisance whatever of the differences of one church from another, excepting in Van Diemen's Land, mentioning by name the English, the Scotch, and the Romish churches; but these three comprehended nearly the entire community; but there the English Church had just the same provisions as to endowment as the other churches. Therefore the equality of these religions in the eye of the law, so far as that colony was concerned, was perfect and absolute. He did not think there was the slightest deduction of variation from it in any particular. The principle of not paying the stipend to a clergyman until his appointment was confirmed by the civil power, was not an unreasonable one, and applied equally to all communities. But there was this difference as regarded the Church of England, that whilst the appointment lay with the Government in the case of the Church of England, in the case of the other churches it did not lie with the civil power at all, very great weight in their cases being given to the recommendation of the bishops. He was not now complaining of the distinction, but simply stating it to be accurate. In regard to the Church of England, then, the power of appointment lay with the governor. There was a sort of nominal transfer of the ecclesiastical law of England, which was enforced at the date of the charter of the colonies, to these colonies; and a more complete delusion and imposture than that transfer it would be difficult to conceive, because he did not believe there was a single point of the ecclesiastical law of England, except one that he would name by and by, of which we had power to enforce the observance. Whatever was done there was done by the good will and the sense of propriety of the parties; but law, properly speaking, there was really none. Our own law regarding clergy discipline was found in such a state a few years ago that we had to endeavour to amend it; but the Acts to amend it were of no force whatever in the colonies. Besides this principle of transfer, the case was greatly altered in going to a colony. *Blackstone* pointed out that the jurisdiction of our ecclesiastical courts was among those features of our scheme of law which could not be held applicable to a colony. But they tried to make up for this by supplementary provisions, and inserted in the patents of their bishops great powers. They sent them out armed with authority to erect consistorial courts, to administer the affairs of their dioceses, to visit, to reform, and to correct, without any restraint whatever except that of an appeal to the Archbishop of Canterbury. But in conferring these powers, it had been found they had committed illegal acts, and it had been the duty of Her Majesty's legal advisers to state that Her Majesty had committed, not under one, but under a succession of Governments, by a succession of patents, under a succession of bishops, a succession of illegal acts, by conferring great powers which only required to be rejected in order to be condemned. The able and zealous Bishop of Van Diemen's Land endeavoured to give reality to his authority by the establishment of a consistorial court. What happened? The Dissenters at once took offence, and got up meetings against it. The Scotch quoted the Act of Union, and when the subject was brought under the notice of the law officers of the Crown, it was their painful duty to declare Her Majesty's act to be illegal. As to the power of appeal to the Archbishop of Canterbury, it was only an appeal on paper, and was worthless. He remembered the case of an unfortunate clergyman who came over to prosecute an appeal; but the Archbishop was obliged to confess he had no power whatever, and the clergyman had to go back to the Antipodes, whence he came. But, it might be said, that the present system worked well—that there was no necessity for stringent laws where people were disposed to behave themselves; surely, however, it would not be sought to apply this principle to large communities. It would be contrary to common sense and to universal practice to do so. Where communities existed, strictly administered laws must of necessity exist also. He had made broad and strong general assertions, but they could be established to the letter in detail. Begin with the bishop, not only because he was first in point of the dignity of his office, but because his position was the best. He did not place his case on the ground that the bishop had no power; on the contrary, he had very great and extensive powers. But what he said was this, that the bishop had not all the power he ought to possess, but that he had one very large and stringent power, to which he would presently call their attention. In that power lay his weakness. As an illustration of what he meant, he might adduce the case of Russia as compared with England. Russia was despotic —the power of Government unlimited, and yet the Executive of this country was very much stronger than the Executive of Russia. If, then, the bishop's power was limited, he would be stronger for every useful purpose. He was unable to bring any matter of importance to a settlement; but he could inflict the most grievous injustice on the clergy around him. He was not going to make any charges; but in showing them the inconvenience of the present state of the law respecting licences, he hoped he could induce them to interpose their benevolent aid, not to devise laws, but to set parties free to devise laws for themselves. The bishop had no power to do justice as a judge. He could not compel the attendance of witnesses to give evidence of the misconduct of any clergyman; and if they were willing to come, it would be with the greatest fear, as they would be open to an action for libel or defamation of character at the hands of the accused clergyman. But, on the other hand, no clergyman could officiate in the colony without a licence from the bishop, the issuing of which was entirely an act of free will. No man could compel him to issue it; and when it was issued, the bishop could at any time, and on any grounds he pleased, revoke it, without giving a reason for the act to any human being. Was this a state of things which ought to continue—a state of things involving the existence of one single arbitrary, unbalanced power, and one power alone—in the church system of the Australian colonies? Let it be remembered that the withdrawal of a licence was the withdrawal from the clergyman of his maintenance, so that all the clergymen in question were dependent upon the private will of the bishop for the means of subsistence. This might be just, but it was a state of matters without the forms or the safeguards of justice. The clergy in Van Diemen's Land and in New South Wales were of three classes — the old colonial chaplains, the chaplains appointed under the present Church Acts, and the missionary clergy sent out by this country for the propagation of the gospel. Upon all these gentlemen the law operated and pressed alike. The English ecclesiastical law recognised a clergyman having a cure of souls as a freeholder; but in the colonies it was no such thing; just take the case of the Rev. Mr. Wigmore; his licence was suspended on the ground of repeated insolvency, and for divers other reasons which the bishop considered inconsistent with his usefulness. Mr. Wigmore applied to the Supreme Court—he might be told, perhaps, the Supreme Court of Van Diemen's Land had ecclesiastical jurisdiction; so it had, for testamentary purposes, but it could not interfere in any spiritual case whatever. Mr. Wigmore applied for a rule *nisi*, calling on the bishop to show cause why he had revoked his licence. The counsel (Mr. Montagu) who appeared on behalf of Mr. Wigmore addressed a long argument to the court, which, after all, did not supply any full exposition of what was the *status* of the clergy in that colony. He would ask, what was the social *status* of the clergy there? Some of the judges of the Supreme Court in New South Wales held that they were stipendiary curates, some that they were perpetual curates, but all agreed that they were not rectors. What was the issue of the cause? The court refused the rule *nisi*, and decided that the bishop had the power, *sic volo*, to grant a licence, or, *sic volo*, to withdraw it. Nothing then, remained for Mr. Wigmore to do, or, as he (Mr. Gladstone) thought, nothing more remained for him to do, than to come to Lambeth; but when he came, he found that the next thing he had to do was to go back again. Might they not, therefore, inquire, why it was that the bishop stood so safe in the exercise of an autocratic power? If that prelate had observed any of the forms of judicial proceeding, if he had instituted a public hearing, if he had called witnesses, if he had proceeded formally to pronounce Mr. Wigmore guilty, he might have exposed himself to various actions upon civil grounds; but he decided without any other form than the mere expression of his will: hence it became evident that there was a large power of a most exceptionable kind in the hands of the bishop, and it formed his only security to follow out the exercise of that power by steps of the most autocratical character. The only thing open to the bishop to say was, that he did those things because he thought fit. Now, if there were any power which ought to be put an end to, it was that. It was well known that there were many cases in New South Wales resembling that of Mr. Wigmore. It was not a matter to be confined to one bishop, but on the contrary must occur in several cases. Unhappily, there was at the present moment a very painful controversy going on at Sydney between two young clergymen and the bishop; as he did not know the rights of that controversy, he should not further advert to it; but the existence of such controversies, and the manner in which they were conducted, very plainly showed a total want of law in the colony. It was plainly established by the case of Mr. Wigmore, that as regarded licences the bishop possessed absolute power: that was certainly the worst condition of the law, or rather of the absence of law; for there existed no law of any force in the colony under which a clergyman could be accused, brought to trial, and removed. There had been, as the House would remember, a proposition made to establish a court for that purpose; but the Government would not accede to that proposition. That the bishops might exercise their autocratical power as against delinquent clergymen would possibly be considered all very well; but what was to be done in cases of oppression—cases in which the individual clergyman accused was really innocent? Was he to appeal to the Archbishop of Canterbury? It had been already shown that in the present state of the law no such appeal would lie; but suppose that the law were to create such an appeal, would it answer that purpose—would the poor clergyman in New South Wales, however grievously oppressed, come to England to prosecute his appeal? How could a clergyman having an income of only 200*l*., or perhaps 150*l*., manage to come to England for the purpose of carrying an appeal before the Archbishop of Canterbury? If at the present moment there arose any case of oppression by a bishop, it appeared next to impossible that a clergyman could obtain redress. Further, he would ask, had the laity any remedy against a bishop? Every one acquainted with the law well knew that in that respect the laity were in the same position as the clergy. There was not a religious rite of which the layman could partake that the bishop might not interfere with. His corpse might not be excluded from the burial ground of the religious body to which he belonged; but from his baptism to his funeral there was nothing which the bishop might not deny him, and that denial would be final, for the laity possessed no means of compelling the bishop to redress any wrong. In this state of the law, then, he sought, not by any positive enactment, but rather by suggesting private arrangements and rules amongst the members of the Church of England themselves, to put an end to the causes of controversy and animosity. It was most undesirable that matters of such great importance should be left without the influence of law or private agreement. He hoped and believed that the Members of that House would not be parties to a condition of affairs in which no law was in force on a subject of so much moment. The facts of the cases that he had stated were scarcely open to any doubt; but he was far from recommending that any attempt should be made to transfer to those colonies the principles upon which our ecclesiastical courts in this country were founded. Such courts would not be applicable to colonies. For these reasons he thought that by the agency of a private association, able to enforce its own rules as far as they were not inconsistent with the law of the colony or of the mother country, the place of ecclesiastical courts might to a useful extent be supplied. If the members of the Church of England were not able to do that for themselves which the Roman Catholics, the Presbyterians, the Independents, the Baptists, did for themselves, the Parliament of this country could not help it. But this for their own protection they were bound to do, namely, to shift the responsibility off their own shoulders. He laid this clause before the House, under the strongest conviction that it was necessary; and he appealed to the House then with the more earnestness, as they were then for the last time dealing with that species of legislation. They, of course, well understood that the matters which he brought under their notice would be considered, and justly so, matters of internal regulation, and if they did not deal with them, then no other opportunity would present itself. Would it be right to leave such subjects to mere colonial legislation? If the Imperial Parliament did not undertake the task which he suggested, it would never be sufficiently performed. The colonial legislature would probably decline it, or if they entered upon it at all, would carry the principle of religious equality to such an extent as not to meet the case in the way that the House would wish. In the colony all the various forms of religion existing there stood upon terms of perfect equality; but if the colonial legislature were called upon to produce enactments necessary for the proper government of the Established Church of England in the colony, they would probably object to doing what was required lest it should be supposed to imply a future endowment of that Church, which many of the colonies would object to altogether. The House, doubtless, saw, as clearly as he could present it to their view, that the bishop possessed an autocratical power—strong enough for severity and oppression, but weak for any purposes of good. That which they wanted was either a public or a private law. If the House thought that more retraints ought to be imposed, let them say what they were. If any thought that the terms of his Motion were defective, he should reply that he sought to do for ecclesiastical affairs that which had already been done for civil affairs—namely, to leave them as free as possible. If they could by any other means obtain security for rights, or redress for wrongs, he should be willing to give up his proposition; but they must not argue from the state of the Church in this country to what might be the state of the Church in a colony. Submitting, then, to their consideration the Motion which he had brought forward, he confided it to their regard for religious economy and to their love of freedom. The right hon. Gentleman concluded by moving the following clause :—

> "And whereas doubts have existed as to the rights and privileges of the bishops, clergy, and other members of the United Church of England and Ireland, in regard to the management of the internal affairs thereof in the said colonies—be it enacted, that it shall be lawful for the bishop or bishops of any diocese or dioceses in the said colonies, or in any colony which Her Majesty shall, by Order in Council, declare to be joined to them for the purposes next hereinafter described, and the clergy and lay persons, being declared members of the Church of England, or being otherwise in communion with him or them respectively, to meet together from time to time, and at such meeting, by mutual consent, or by a majority of voices of the said clergy and laity, severally and respectively, with the assent of the said bishop or of a majority of the said bishops, if more than one, to make all such regulations as may be necessary for the better conduct of their ecclesiastical affairs, and for the holding of meetings for the said purpose thereof."

Clause brought up and read 1°.

MR. LABOUCHERE said, it was upon no small points of difference, still less upon any legal difficulty, that he should advise the House not to consent to the proposition of the right hon. Gentleman; but because he strongly objected to the very principle of that proposition. He entreated the House, before consenting to it, to consider what that principle was, and what were the consequences to which its assertion must necessarily lead. It was proposed to engraft upon this Bill an ecclesiastical system involving points of the greatest difficulty and importance, to establish a local legislature, independent alike of the Imperial Parliament and of the colonial legislatures. [MR. GLADSTONE: I made no such proposal, I said expressly a private and voluntary compact.] He could not help thinking, after reading the clause, and hearing the speech of the right hon. Gentleman, that the body he sought to establish would be neither more nor less than a legislature for certain purposes, empowered to make ecclesiastical regulations which would have the force of law on all ecclesiastical subjects, irrespective alike of the will of Parliament or of the colonial legislature. So important was the principle involved in the establishment of such a body, that the House ought to pause, and weigh well the consequences before adopting it. Was the right hon. Gentleman prepared to say that the regulations which this synod or legislature might pass upon all matters necessary for the better conduct of ecclesiastical affairs, would not have the force of law, as far as members of the Church of England were concerned, and that those members would not be subject to such penalties?

MR. GLADSTONE: No, not subject to penalties.

MR. LABOUCHERE: Ecclesiastical penalties?

Mr. GLADSTONE was understood to answer in the negative.

MR. LABOUCHERE feared that he had not very clearly understood the intention of the right hon. Gentleman. But what would be the effect of the measure, if it was to be entirely voluntary with the inhabitants of the colony whether they would comply with the regulations or not? Why did the right hon. Gentleman come down to propose and support an enactment which would be utterly futile and inoperative? Whatever his intentions, the effect would be to constitute an ecclesiastical synod in these colonies, with the power of making laws irrespective of the colonial legislatures of the Imperial Parliament, which laws would be obligatory upon the members of the Church of England within the colonies. A proposal so serious ought to be entertained as a separate measure, and gravely and deliberately considered, and not engrafted upon a Bill professing very different objects, and dealing with entirely different matters. As to the constitution of the proposed synod, the principle was acknowledged that laymen might be members; and the Crown was to have the power of rejecting or confirming its canons. He did not understand whether this synod was to consist of a single body—bishops, clergy, and laity, all sitting and discussing these questions together, or whether they were to be two or more bodies, the clergy sitting separately from the laity. If it was to be one assembly, composed of all the members of the Church of England, he, as a member of that Church, should very much object to questions of the kind proposed being discussed and decided by a tumultuary assemblage of that description, and he should very much doubt whether that would tend to the welfare of the Church in the colonies. All these were questions of magnitude which ought not to be discussed in an incidental proposal to engraft a clause upon an Act with which it had no necessary connexion. His objection to the plan was a fundamental one; he objected to laws being made by any other body but the local legislatures or the Imperial Parliament; and he objected altogether to these laws or regulations being made by a body which was neither one nor the other, but an ecclesiastical synod composed on principles which he believed were altogether unknown in the history of Christendom; for he did not believe that such a synod had ever been heard or thought of before. The right hon. Gentleman said that, owing to legal difficulties, the Church of England laboured under great disadvantages in the Australian colonies. He deeply regretted that, and quite agreed with the right hon. Gentleman, that the position which the Church of England ought to hold in a British colony was—neither to be treated with exclusive favour, nor to be under any peculiar disadvantage. Such was the position most favourable to the Church's spiritual usefulness in the colony, and which would give her the best chance of being, as he trusted she would be, in every colony of the British empire, for many distant ages, the means of spiritual instruction and advantage to the great body of the community. He was satisfied that it was by placing her in that position that her energies would be best developed, and her native excellence the most likely to promote the great objects she had in view. But he was at a loss to understand how the Church, as at present circumstanced in these colonies, could be under any disadvantage which could not be easily and properly remedied by the operation of the colonial legislature themselves. If the Church of England was now treated with no peculiar favour in these colonies, why should she be an object of jealousy or suspicion—why should there be these great and insurmountable obstacles to the local legislatures applying a remedy to anything that was defective in the law as applicable to the Church? The right hon. Gentleman had quoted several instances; in some of these cases—Van Diemen's Land was one—Sir E. Wilmot had expressly recommended colonial legislation as the fitting and appropriate remedy for those grievances; and Lord Stanley, then Secretary for the Colonies, had adopted the same view in his despatch of the 29th December, 1844, which was found at page 52 of the returns the right hon. Gentleman had moved for. In that opinion he (Mr. Labouchere) entirely concurred. The policy of establishing ecclesiastical courts was matter of extreme doubt; and the grievances which affected the members of the Church of England might be remedied without them, by the action of the local legislatures themselves. He would not go into any nice points of law respecting the authority of our ecclesiastical system in the colonies. This part of the subject he would leave for his hon. Friend the Attorney General. He had been a little alarmed to hear from such an authority as the right hon. Gentleman the doctrine which he had propounded in an earlier part of the evening, when he had declared himself ready to vote for a clause for the good operation of which he could not answer, merely because he thought it a subject that required legislation. That would be a most dangerous principle for the House to adopt on matters of this importance. Unless the House was satisfied that the plan proposed would work usefully and efficiently for the purpose for which it was designed, they were bound to reject it, even though some remedy was required for the grievance pointed out. The proposal had more the appearance of heads of a measure, to be worked out in detail afterwards, than that of a complete scheme to effect the object desired. Many things in it were so obscure that it would be absolutely necessary to explain them by further provisions, and much of the machinery proposed needed explanation as to how it was to be put in operation. But his objections were less to the details than to the principle of the measure itself. To attempt to establish in these colonies a body of this kind, call it an ecclesiastical synod, or whatever they chose, with power to make regulations having the effect of law over members of the Church of England, so far from doing any good to the Church, increasing religious principles, of enlarging its sphere of usefulness in the colonies, would, on the contrary, excite the greatest disapprobation; the colonial legislatures would feel that subjects which properly belonged to them were withdrawn from their investigation and decision; and a tribunal would be established which would be fraught with inconvenience, and would give rise to injurious consequences to the Church itself.

Mr. A. J. B. HOPE said, that in Australia the various religious bodies were on a footing of perfect equality, being all salaried by the State; and they all had or might have the power of self-government, with the sole exception of the Episcopal Church. If the right hon. Gentleman the President of the Board of Trade thought that the proposal to give to the Church of England, which numbered one-half of the population, the power to establish some system of self-government, would operate as a State grievance to the colony at large, why did he not consistently carry out that principle, and say that it was dangerous for the Church of Scotland to have its assemblies, the Wesleyan body its conferences, or the Church of Rome its synods, in Australia? [Mr. Labouchere: These are voluntary bodies.] The Church of England was the same in the colonies. It used the same ritual and ordinances as the Church at home; but that no more made it the established Church in Australia than it was in Scotland, or any country where another church was established, than the Church of Rome was the established Church in Australia, because it was so in Italy. Either the argument of the right hon. Gentleman fell absolutely to the ground, or there was something obnoxious and detrimental in the Church of England which made it dangerous to the body politic—an assumption utterly impossible to be made by a member of the Church of England, in a country where it was the Established Church. Therefore, the main argument of the right hon. Gentleman resolved itself into that most convenient principle, the principle of "*laissez faire.*" The right hon. Gentleman had opposed the introduction of this clause, because the Bill was one for conferring self-government on the colonies; but that was the very ground on which his (Mr. Hope's) right hon. Friend demanded that the Church of England, as a voluntary body, in New South Wales, should have the power of making its own regulations, and that it should not be interfered with any more than any other body, on the ground that it was not an Established Church. Of course his right hon. Friend had never dreamt of anything so wild as calling together a popular assemblage like those of Exeter Hall or Kennington Common to decide upon the affairs of the Church. His object in including the laity in the synod was to avoid the appearance of creating anything like a clerical domination. In answer to the question of the right hon. Gentleman the President of the Board of Trade, where was there any system of church government like the one proposed, it would be sufficient to state that in a church in full communion with the Church of England, using nearly the same prayer-book, and holding the same doctrines and the same form of ecclesiastical government—the Protestant Episcopal Church of America—there was just such an ecclesiastical legislature—a legislature composed of two houses; the upper house consisting of the bishops, the lower of the clergy and laity in certain proportions. Thus the general convention assembled every three years in one of the principal cities of the Union, while a similar legislature assembled annually in every diocese; and the system had been found to work very well. When the Government was propounding a constitution for Australia, it was hard that they should deny to the members of a religious body there the same power of organisation and self-government which had been found to work so well in the American Union. If this body trenched on the powers of the State, of course their acts would be repudiated; if not, why should the members of the Church be deprived of the right enjoyed by other religious bodies of making regulations for their own government? They would discharge this duty much better than the local legislature, composed as it would be of men of all religious sects.

Mr. ANSTEY said, he wished to call the attention of the right hon. Gentleman the Member for the University of Oxford to a fact which he seemed to have overlooked. He appeared to be of opinion that the principle of religious equality had been wounded either by the measures of the local or the imperial legislatures; not in the matter of endowment, for that was equal, but in reference to matters of doctrine and discipline. He had cited the powers of the Churches of Scotland and of Rome to enforce their respective disciplines, and had stated that the Church of England possessed no such power—

Mr. GLADSTONE: What I said was, that each religious body had its own private laws, for its own regulation and government.

Mr. ANSTEY said, the documents moved for by the right hon. Gentleman himself disclosed a very different state of things. In Van Diemen's Land, the bishop complained of obstruction, not from the laws of his Church, but from the want of a temporal law imposing penalties for infringing the laws of that Church; and the Bishop of Tasmania had called on the local legislature to remedy this evil, and to embody his suggestions in a local Act. This was opposed by the late Lieutenant Governor, in which his successor concurred; and thus had been prevented the removal of a great evil. The right hon. Gentleman was also mistaken in supposing that the other religious bodies had objected to the members of the Church being subject in matters of discipline to their own regulations; what they had done was to protest against the letters patent, conferring on the bishop what they deemed an unlawful jurisdiction, whereby their own rights would be invaded. These letters patent gave the bishop power to hold, not merely a spiritual court for the trial of spiritual offences, and the infliction of spiritual penalties; but a court possessing such powers as were exercised by our ecclesiastical courts at home; and of this attempt to set up such a jurisdiction the colonists had good reason to complain. The law officers of the colony had given their opinion that the letters patent had been improvidently issued, and that the Crown had no power to make the regulations therein contained. In matters pertaining exclusively to spiritual jurisdiction, the Church of England had the power, in common with every other church, to make such ordinances as its members might agree to: where was then the necessity for legislation on the subject? The Church of Scotland and the Church of Rome in the colony had the same power of legislating and judging; and when it was said that there was a danger, for want of this legislative power in the Church of England, of men being left to ecclesiastical anarchy, he would refer to the condition of the Church of Rome in the colony as a proof that no such danger existed. The Church of England had, from the ecclesiastical legislature, as well as from the temporal legislature, the power of deprivation and punishing by spiritual censures any minister who was guilty of what, by the laws and usages of the Church, was considered to be misconduct or neglect; and the laws of the land superadded to these censures the deprivation of the clergyman's freehold. Every appointment to a living was *primâ facie* a life appointment, that is to say, freehold. But what was the conduct of the Bishop of Tasmania with regard to the deprivation of the two clergymen which had been the cause of exciting so much ill-feeling in the colony? One of them, the Rev. Mr. Wigmore, was not appointed, under the Colonial Church Act at all. He did not officiate in any church dedicated to the Church of England. He never, in fact, had a licence; and it did not depend on the bishop, but on the Governor, to remove or retain him. But he was removed by the bishop, and he ceased to be a chaplain. With respect to the case of the Rev. Mr. Bateman, the bishop had the discretion offered to him of trying this clergyman according to the laws of England; but he preferred depriving him of his licence, and leaving him to officiate afterwards at the peril of his conscience. He (Mr. Anstey) would say nothing of the conduct of the bishop in trying to ensnare a man into the loss of his freehold by means of his conscience; but he denied that the colonial right of incumbency depended on the licence at all. It became vested by the appointment of the Governor of the party recommended or approved by the ecclesiastical superior. He objected to the proposed Amendment, because it interfered with the prerogative of the Crown—and because the Queen could issue letters patent to correct the evil; and if she exercised that power, she would do no more than was done by the Pope for the government of the Roman Catholic Church, or by the Church of Scotland for the Presbyterian Church. Meanwhile each Church had the power, by means of the temporal court of the colony, to restore, appoint, deprive, or displace any minister by mandamus, bill in equity, or injunction. If the Church of England obtained the power which the right hon. Gentleman proposed to give them, it would be considered an unfair privilege by the other religious bodies in the colony, and they would resent it. He should regret it much if the Church of England laboured under any inequality which the other churches were not exposed to; but he must protest against Parliament being called upon to give that Church a power which the Crown had already refused, and which, if given, would destroy that wholesome religious equality which prevailed in the colony at present under the wise provisions of the Colonial Church Act.

Mr. W. P. WOOD said, that with regard to any legal difficulties that might be supposed to exist, the right hon. Gentleman the President of the Board of Trade had promised them some illumination from Her Majesty's Attorney General; but, notwithstanding that promise, the hon. and learned Gentleman had not addressed them. In fact, nothing had been as yet said from which he could divine that there was any practical or legal objection to be found to the proposition. The right hon. Gentleman the President of the Board of Trade began by saying that he did not understand the clause. That was not the fault of the clause, which was very plain and intelligible. Neither did he think that it was the fault of the right hon. Gentleman's understanding; his understanding was perfectly clear, and he was quite competent, on reading the clause, to understand it; but persons did not like sometimes to understand a clause, or to give consideration to a clause; and he was sorry the Government did not consider this clause, for he was sure if they had considered, it they would have understood it. The clause was intelligible; it simply enacted that it should be lawful for all who professed a given communion to assemble together and pass rules and regulations for their own government, and which should bind no party but those who consented to be bound by them, or who belong to their communion. ["Hear, hear!"] He quite understood the meaning of that cheer; it was meant to intimate that the Church could do that already; but he would show how that was presently. It was proposed that they should decide how they were to be governed, and how they were to carry on their own ecclesiastical affairs. Was that an unnecessary power?—for that seemed to be the meaning of the cheer he had just heard. Other bodies could do so. There was no obstacle in the way of the Roman Catholics, or the Wesleyans, or those belonging to the Free Church of Scotland; but the Church of England was not in that position; she was unfortunately placed in that colony in an ambiguous position, the exact nature of which neither Her Majesty's Government, nor the Colonial Government, nor the Church itself, understood. It was perfectly clear she had no power for good; she had no means to carry out her own useful powers; but she was fettered by a variety of impediments, which could be raised by persons skilled in suggesting legal quibbles, when she attempted to do anything useful. It was desirable that she should be placed in that perfect freedom which was enjoyed by other sects in that country, and which the Church in this country was deprived of, because she was established by law; but in the colony she was not established. She was on an equality with the other sects in the colony. A grand and noble opportunity for usefulness had been opened for the Church there, which unfortunately here she did not possess. She had the opportunity of showing what she was when placed in free competition with any other religious body whatever. Let them leave her to the full exercise of that privilege, and why should the Government be afraid of leaving her to it? He assumed that every sectarian believed his views to be as correct as he (Mr. Wood) considered the views of the Church of England to be, and he was willing to enter into a contest with them. It would be a holy contest, not one of violence or intemperance, or one into which any party would enter with a prejudice against the other excited by temporalities. The question between them would be which Church was better able to preach the truth, or to humanise or civilise all those who came within her beneficent control, or to convey spiritual comfort to man at that moment when he stands most in need of it? That should be the contest, and why might they not enter into it? They were told by the right hon. Gentleman the President of the Board of Trade, that he, as a member of the Church of England, objected to the Amendment, wholly independent of political motives, because there was no precedent for it. The whole early history of the Church showed nothing else; and the English Church in America was so conducted. What danger had resulted from that? Had the State suffered by it—had there been any tyranny exercised on the part of the American Church, or had there been any complaints on the part of rival sects? They there carry on their work with a yearly increase of numbers, and that was done by the Church being allowed to work out by her own energies that full development which he wished to see worked out in the English Church in the colonies and throughout the world. The right hon. Gentleman further told them, that if the Church wanted any power in the colonies, it could be given to her by the local government. That was an extraordinary proposition. Here was a Church that had not the power of controlling her own members, and the way proposed to give it was by making her apply to a body the majority of whom might be totally adverse to her. Surely it was not right that the Church should have to apply to a body of that description for power to carry out her own ecclesiastical ordinances, and nothing else. The parties were originally to meet according to this proposition, and settle what the orders and regulations were to be, and when they determined that question, they should not afterwards object to them. Why were they able to carry on the Government so calmly in this country, but because Englishmen had always submitted to be governed by the majority; and was it a hardship to ask members of the Church of England in the colonies to obey the rules settled by a majority of themselves? The ground upon which he supported this Bill was that it gave to the colonies the power of legislating for themselves. The Government said they admitted it was not a complete measure—that it was an inchoate measure not fully developed; and yet when the right hon. Gentleman by his Amendment came forward and asked them to do the same thing with respect to the Church, and said, give to the Church in the colonies an inchoate power that will lead to the development of its full power over its members, they object to it. They were next addressed by the hon. and learned Gentleman the Member for Youghal; but they were not addressed by the hon. and learned Gentleman the Attorney General, though they had been promised from him, by the right hon. Gentleman the President of the Board of Trade, an explanation of the legal difficulties of the case. There were public considerations in favour of this measure independently of the sense of justice. There were considerations which entitled him to call on the Members of the House who were not members of the Church of England to assist him in carrying this proposition. He asked every dissenting Member of the House, whether Roman Catholic, Dissenter, or Presbyterian, to concur in giving the same powers as they possessed themselves to the members of the Church of England, when they were standing exactly in the same position as they were. On a higher ground he asked Her Majesty's Government to consider well what was the great danger that was threatening the social system throughout Europe. Did not the danger arise from an entire indifference to every religious creed, and the adoption of a system of infidelity? That infidelity was the result of ignorance, which prevented a man from seeing what really were his true interests, either here or hereafter. Thousands and thousands of convicts had been despatched to these colonies before any care was taken for their spiritual welfare; and was the Government disposed to take the first step in preventing that amount of education and instruction which was offered by the Church, or did they think that by giving the Church increased means of efficiency they would help to bring about the same evils which afflicted the temporal power in the time of Hildebrand? There appeared on the part of the Government an evident distrust of the Church; and this feeling was evinced in various ways, but in none perhaps more than in the appointment of prelates, for it was well known that the prelates were chosen not so much on account of their great ability as of their quietness. He had no fear for the Church, but he had every fear for that State which would not do its utmost in every point of view, not to favour any particular church, but which would not sincerely and heartily desire to promote every measure which had for its plain straightforward object the development of religious truth, and the preparing for the millions who were about to be called into existence in the colony, those blessings which would conduce to their happiness while spared upon earth, and would be productive of everlasting happiness hereafter.

MR. ROEBUCK said, the proposition, under an appearance somewhat mysterious, was really an important one. They had to deal with what the proposition called the United Churches of England and Ireland in the colonies. Every person understood what was meant by the United Church of England and Ireland. It was subject to certain laws, and enjoyed certain high privileges and powers in this country. But there was a party in the country who wished to deal with that Church in a way that they (the House) would not permit. What did that party wish? They wished to have a church, called the United Church of England and Ireland, and to have that church above the law. They wished to have a convocation sitting by the side of Parliament. They had put that down heretofore, and they did not intend it should ever be revived, even by a side wind in the colonies. They were not to be mystified out of their common senses in reference to the proposition before them; and as regarded that proposition, he asked, did any man in his common senses expect that it should be attended to, and that a convocation should be there sitting by the side of the British Parliament? But he believed there were men so infatuated, so thoroughly demented on church matters, that they wished such a thing possible. Now, what were their reasons? He believed they were two in number. [Here the hon. and learned Member read the Resolutions.] The Church of England, the Church of this country, was expressly mentioned—"being members of the Church of England." But the right hon. Gentleman declared his proposal had nothing to do with the Church of this country. He said he wanted a separate communion—in fact, he was an Independent. He wished to create an independent church to carry out his views. The clergy and laity were to meet together, and a majority of voices was to decide. Well, but suppose only two were present, one on each side could not constitute a majority. But suppose they met together in proper numbers, if the bishop did not accede to their proposition, it was no proposition; if he did, then the proposition would be wholly at variance with Church of England doctrine. Now, he asked hon. Gentlemen to say whether they intended by this course to elevate their new church to the position enjoyed by members of the dissenting communities? Indeed, he had been told by one hon. Gentleman that he would be content to be placed on a similar footing with the Jumpers. Yes, that had been told him in that House. Was it so? Were the members of the United Church of England and Ireland in the colony of Van Diemen's Land willing to divest themselves of all the characteristics of the members of that Church, and to place themselves on an equality with the Jumpers? [Mr. P. Wood: Yes.] Oh, the hon. and learned Member for Oxford cried "Yes." Now, let him see how matters stood. First, they would have to strike out the name "United Church of England and Ireland." Then they became persons professing anything they pleased, and, consequently, could not be regarded as being of that United Church. They should be regarded simply as a body of Dissenters meeting together for certain religious purposes; and, therefore, he was at a loss to know why Parliament should enact anything at all in reference to them. They were going to create a legislature which should have power over weaker sects. The only body of churchmen with whom they could have sympathy was that body recognised by the United Churches of England and Ireland. Let them once establish that which the resolutions of the right hon. Gentleman sought, and there would be an end of their United Churches of England and Ireland, whilst there would also be a speedy attainment of the separation of Church and State. He found the High Church party—those who were supereminently and peculiarly the Church party, who carried on a warfare in reference to certain fantastic ceremonies—all of a sudden coming forward and crying out for a state of mediæval excellence. Yet, what was their idea of it? Why, they appealed to America; but what did they find there? No church establishment whatever. An equal toleration of and freedom to all sects. No power delegated by the State; and no money voted by the State, which was a very peculiar and important feature in the matter. He wished to ask the House if they were prepared to deal in such a manner with the colonies? Were they prepared to deal similarly with England, as also with those who might emigrate into the wilds of Australia? If such were befitting them, and were the true and correct idea of an establishment, why should it not be so in England? He objected to the Church Establishment in alliance with the State. He wanted to see a separation of them; and when bringing forward his Motion to that effect as regarded Ireland, as he should do on the 28th instant, he would not fail to quote the case then before the House, and he hoped to have the support of the hon. Gentlemen who supported the present resolutions. [An Hon. Member: How will it be framed?] He would undertake his Motion should be so unlike that of the right hon. Gentleman, that it, at least, would have the merit of being intelligible to every person. He called on the Gentlemen who then surrounded him to read over the proposition of the right hon. Gentleman, to direct their minds most closely to its investigation—indeed, he had gone through it word by word, and had puzzled his brain to such a state of bewilderment, the words going round and round, that he could not make sense or meaning of them—and then to say if it were at all intelligible to them? He asked any hon. Member if the proposition of the hon. Gentleman was within the scope of English churchship, or in the spirit and character of the English Church?

What was the ecclesiastical revenue of Van Diemen's Land? They would find it in the Miscellaneous Estimates when they came to the bishop's pay.

MR. GLADSTONE: It is not so.

MR. ROEBUCK: Did the right hon. Gentleman say—was he prepared to say—Let us have no bishop?

MR. GLADSTONE: I say there is no such vote in the estimates.

MR. ROEBUCK: It is surely in the estimates.

MR. GLADSTONE: No.

MR. ROEBUCK: There are Ecclesiastical Estimates for all our colonies.

MR. GLADSTONE: It is not so.

MR. ROEBUCK: Then we will pass that by. [*Loud ironical cheering.*] When he came to consider those estimates, he would point it out, and show the value of that cheer. There was an estimate, and before many days they would find there were estimates for all the colonial bishoprics. He had fought the question too often in that House not to know there were constant yearly payments for the purposes of the Church of England; and he could not understand why a branch of that Church should be made separate and independent of the United Churches of England and Ireland, yet deriving support from that House, which it ought not, as an independent community, though connected in name and characteristics with the English Church. He denied that name and character; and if asked what he believed the community to be, he would reply, an independent community of religionists; and hence there was no necessity for a proviso. First, as an independent body, they needed not the support, by proposition, of that House; and next, because, like the Jumpers, they wished to be affected by similar legislation. How was the colony of Van Diemen's Land to deal with that body? He had been told there were three religious bodies recognised, the Church of Rome, the Church of England, and the Church of Scotland; but the present sect did not come under either religious category. However, there were of the sect certain fantastic religionists who wished to be considered something peculiar in themselves, who aspired to the characteristics of an ancient community, whilst, at the same time, claiming all the liberty of the most modern religious community. But he could tell them they would be one thing or the other. They belonged to the Church of England, or they did not. If they belonged to the Church of England, they should submit to its ordinances. If not, let them call themselves Dissenters, and he would be the first to demand protection, freedom, and liberty for them, and to help them to anything else they might like, however ridiculous. But they should not ask the State to sanction or to assist them. He would not give the sanction of his name, or the power or character of England, to the justification of such pranks before the community at large; and he doubted not they would never obtain the sanction of that House to any such proceedings.

MR. ROUNDELL PALMER said, he was afraid, from the speech they had just heard, and from other symptoms which unfortunately no one could help perceiving, that we were approaching times in which the principle on which an Established Church was maintained, would be discussed under far different circumstances from those to which they had hitherto been accustomed, and under which all who were friendly to the Church, to the monarchy, or to the English constitution, would ever wish to hear it discussed. There were men—and he believed he was doing no wrong to the hon. and learned Gentleman if he inferred from his speech that he was one of the number—there were men who were unfriendly to the principle of an Established Church, who did not think it beneficial to the great interests of the country, and who rejoiced at everything that tended to impair its efficiency or to retard its progress. But he did not believe that that was a principle upon which either the House or Her Majesty's Government—to whose sincere desire to promote the best interests of the Church, according to their own view of those interests, he, though entertaining very different views, was ready to bear his testimony—he did not believe that was the principle on which they would oppose the clause then under the consideration of the House. The only principle upon which an Established Church could ever exist in any country, the only principle on which it was defensible, was, that it was the embodiment of the religion believed by the mass of the people. The power which it possessed over the minds of the people was originally derived—not from their laws or establishment, but from its intrinsic truth, and its influence over the consciences of men. The Establishment was upheld by the belief of the people, and not the belief of the people by the Establishment. Therefore, in legislating with regard to it, it had always been the practice to consider what would be calculated to promote the efficiency of the Church, the extension of its principles, and to remedy the evils which might arise within it, without wishing to interfere with the freedom of other men's convictions. They would vindicate for others the same liberty of conscience which they desired for themselves; but they could not permanently maintain the Church upon any principle inconsistent with paying the same respect to liberty of conscience and belief in Churchmen, which they always extended to every community of Dissenters. The principle enunciated by the hon. and learned Member for Sheffield was a tyrannical principle. According to his principle they would first make the Church their help in the great work of government, and then turn round on it and say, "We will make use of the connexion, because it is useful to us in maintaining the foundations of society, not for the purpose of extending its efficiency according to its own principles, but for the sake of cramping its efficiency and preventing its extension; taking care that it shall not accommodate itself to the changing circumstances and wants of mankind, as other religious communities are able to do. The Church shall have no such power, but shall be kept in that state in which it has remained for the last 200 years." It was idle to say that Parliament could make the requisite changes. To leave it to Parliament was to say they should not be made at all. Would the House endure debates on questions of a purely spiritual character? It would be impossible, even if they all belonged to the same religious community; besides, they were not returned for such a purpose. It came to this, were they to accede to the principle of the right hon. Gentleman's Motion, it being impossible for Parliament to deal with the subject; or would they assert that nothing should be done, and that the Church should remain precisely in the same attitude in which it had stood for centuries past? If there was any one thing which caused the increase of that ignorance and vice now unhappily prevailing to too great an extent among the dense populations throughout the country, it was the want of provision for the spiritual wants of the people. The hon. and learned Member for Sheffield had spoken of the present Motion as though it were something new in principle. He denied that. Every one knew that it was as much a part of the constitutional law of this country that the spiritual wants and necessities of the people should be considered by the bishops and clergy in convocation, as that their political wants and necessities should be considered by that House. Every change in the doctrinal statements and spiritual discipline of the Church at the time of and since the Reformation had been made by the convocation, on whose resolutions the Parliament acted. In the statutes passed in the reign of Henry VIII., defining the constitution and the Royal prerogative in matters ecclesiastical, it was distinctly laid down that the constitution of England had always consisted of a temporal and spiritual element, and that the latter was represented in convocation. When the Prayer Book was last revised, in the reign of Charles II., that monarch stated in the preface, which any one might see who would take up his Prayer Book, that, as often as it should be necessary to consider and debate matters affecting the spiritual welfare of the Church of England, the convocation should be consulted. That principle was in active operation down to the time of George I., and they all knew under what circumstances it was stopped. The Minister of the day appointed a man to be a bishop who did not hold the doctrines of the Church, for Bishop Hoadley belonged to the class of Unitarians. The convocation took up the matter, and the Crown suspended its sittings; and from that time to the present, the Crown had, by suspending the sittings of the convocation, in principle done the same thing as King Charles I. attempted to do when he prevented Parliament meeting from time to time for the despatch of business. The constitutional law, however, remained the same, and the convocation possessed the same functions as ever; and the only reason why no Motion was made for its restoration was, because it was a body imperfectly and unsatisfactorily constituted, and did not now furnish a true representation of the Church of England. What was desired was a practical *bonâ fide* representation of the feelings of the Church. Was it a matter of no practical importance, that whilst the power of self-legislation had been suspended in the Church, they had seen the founders of the great Wesleyan body, men impelled by the purest motives, and the most admirable zeal and piety, breaking off from the Establishment? Was it nothing that they had seen the continual growth of

Dissenters from the Church, and dissensions within the Church, which might easily have been checked had proper steps been taken in time? and a persistance in the same course could not fail to result in ever-increasing divisions. The end—if they persevered in the same policy, even at home—would be that they would see the Church fall to pieces; and the enemies of the Establishment, being no longer opposed by the united force of its friends, would inevitably prevail, simply because they refused to allow the Church sufficient internal power and energy to develop itself in the natural way. With respect to the colonies, the case was much stronger, because the circumstances were different. Take New Zealand and India, for instance, where they had to deal with a large heathen population. They had their liturgies, articles, and canons, all constructed with reference to a nation already Christian. To say that there should be no authority capable of determining on the mode of operations necessary with reference to the circumstances of settlers and new converts in a heathen country, was, in substance, to refuse that liberty and natural development which was enjoyed by Roman Catholics, Presbyterians, and every sort of Protestant dissenters. Was it impossible that the Established Church should have the same power, and yet be useful to the State? Look at the Established Church in Scotland. It might be said that there, too, a secession had taken place. Granted. But that was due, principally, to a disregard by the State of the religious opinion of the Church, and a desire to carry a temporal law too far and beyond its province, and without any sufficient necessity; and when they wished to retrace their steps it was too late. They did, however, retrace their steps. They came down to the House and proposed a law that if any reasonable cause could be shown against it, the nominee of the patron should not have the benefice. Had that been done at the time, a great evil might have been averted. But they had not taken away the power of self-legislation from the Scotch Church because of the secession. Upon all these grounds he had no hesitation in saying that he would vote for the Motion of his right hon. Friend the Member for the University of Oxford, not merely because he conceived what he proposed to be necessary for the Australian colonies — not only because he thought it desirable that the colonial Church should do the work for which it was intended — but also because he believed, though circumstances had induced them to impose arbitrary restrictions on the Church of England through a long series of years, and though the imperfect constitution of that convocation might make it inconvenient to restore it, that before long some such tribunal must be provided, even for the Church at home.

SIR G. GREY had not anticipated, after the speech which the right hon. Gentleman the Member for the University of Oxford had made, that the consideration of his clauses would have involved the House in the wide and important questions connected with the relation of the Established Church to the State. He would only say, therefore, on this subject, that he differed with the hon. and learned Member for Sheffield in the wish which he had expressed to see a disunion of the Church and State. Anxious, however, as he was to see the Church an instrument of increasing usefulness to all classes of the community, he could not help expressing his deep regret that steps had been taken by some members of the Church which had led to proceedings tending to exhibit the Church in a state of disunion and distraction, thereby impairing its efficiency and diminishing its usefulness. He had thought that the House would not be led into this discussion, because the right hon. Gentleman had based his Motion on the fact that there was no Established Church in the colonies. The right hon. Gentleman said, that he wished the Church of England to be placed on a footing of perfect equality with other communions. But if he understood the right hon. Gentleman aright, he appeared to be asking on the behalf of the Church of England powers and advantages which other communions would not enjoy. He asked for the bishops, the clergy, and the laity of that Church, that power should be given to them by Parliament to form themselves into a convocation, which should make regulations having the force of law, and binding on members of that communion, not only *in foro conscientiæ*, but also in the law courts of the colony. That he took to be his meaning, not only from the clauses themselves which he had proposed, but from the provisions which followed them. One of these provided that it should not be lawful to impose or inflict, by any such regulation, any temporal or pecuniary penalty or disability, other than such as might attach to the avoidance of any office or benefice held in the said Church. Now, that distinctly implied that those regulations were to have the force of law in the colonies in respect of the penalties or disabilities attaching to the breach of them. Again, it was provided that no such regulation should be binding on any person or persons other than the said bishop or bishops, and the clergy and the lay persons who were, or might be, declared members of the Church of England, or otherwise in communion with him or them respectively. By excluding "other persons" from being bound by such regulations, did not the right hon. Gentleman subject to them those who were expressly named? He would not go through all the provisions, but by one of them it was declared that it should not be competent to the said bishops, clergy, and lay persons, or any of them, to pass any regulation affecting the rights of the Crown in the nomination of bishops; implying that the prerogatives of the Crown might be interfered with, except in the case specifically excepted. It was provided also that any such regulation, touching the existing relation of the said bishops, clergy, and others, to the metropolitan see of Canterbury, should be forthwith transmitted by the bishop, or his deputy, to the Archbishop, and should be subject to disallowance by him under his hand and seal, at any time within twelve months from the passing of the regulation, or within six months from the receipt thereof by the Archbishop. More extensive legislative powers could hardly be given, and therefore he was rather surprised at the right hon. Gentleman's disclaimer of any intention to give this body legislative authority. If there were any difficulties in the way of enforcing the ecclesiastical authority of the Church in the colonies, the colonial legislature, as Lord Stanley had said, in the despatch already referred to, was the body to which the Church should apply, and a colonial Act might be obtained, declaring the conditions on which the Governor should withhold the salary of any clergyman convicted of an offence. His hon. and learned Friend the Member for Oxford had said, that the majority of the colonial legislature might be composed of persons who were not in communion with the Church of England; and yet the right hon. Gentleman was now coming to the House of Commons for these powers, though many of the Members were not members of that church. He had not been convinced by anything that had been said, that members of the Church of England in Van Diemen's Land or New Zealand, laboured under any disability as compared with any other religious denomination. If the bishop chose to summon the clergy and laity, and they met, they might make voluntary arrangements, which would be binding over themselves *inter se*, but they would not have the force of law. If, however, legislative powers were granted to members of the Church of England, they ought to be given to other communions, which stood in the colonies on a footing of perfect equality with the members of the Church of England. He thought, therefore, that these clauses contained dangerous powers, if they were to be given exclusively to the Church of England; while, if they only pointed to voluntary arrangements, the right hon. Gentleman was invoking the aid of Parliament to do for the members of the Church what they might do for themselves. If they laboured under any disability, let that disability be removed by an act of the local legislature; but let them not ask for peculiar privileges which might tend to foment discontent.

Mr. ADDERLEY said, the right hon. Baronet had challenged them to name any disability under which the Established Church laboured. The disability was, that the Church could not meet together to pass by-laws, like any other corporation, under the penalties of *præmunire*. The whole object of his right hon. Friend's Motion was simply that the members of the Church might be able to meet and pass by-laws, without licences from the Crown. That was the disability, and if they were prepared to remove that, he asked no more. But he contended that it was a disability, and that not an argument had been urged in its defence. The right hon. Gentleman the Home Secretary seemed to think that some mysterious power was being asked for by the Church of England, as if it were proposed by the right hon. Member for the University to make a sort of *imperium in imperio* of the Church—as if it were to have extensive powers of legislation conferred upon it that would bind every man, woman, and child, and enable it even to impose penalties. But nothing of the sort was proposed. And, with regard to the provisoes, his right hon. Friend had stated his willingness to postpone them, in order to give the Government an opportunity of deciding upon some means of relieving the Church from the disability of which it now complained. His right hon. Friend had moved, and he (Mr. Adderley) took the proposition, and should vote upon it simply as it stood, that it should be lawful for the bishops and officers of the Church of England to meet together without incurring penalties. The hon. and learned Member for Sheffield appeared to think, which he (Mr. Adderley) had never heard of before, that it was essential to the character of the Church of England to be connected with the State. This was the hon. and learned Gentleman's whole and sole argument—that whereas the Church of England was connected with the State in this country, therefore it should be connected with the State in the colonies; that it should be put on a footing of equality with the Jumpers. He did not know exactly what the hon. and learned Gentleman meant by that; but the position of the Church in the colonies was, that whereas it was not fairly connected with the State there, in England it was connected with the State; that in the colonies it was only partially connected with the State, and that the connection was such that it had all the disability annd none of the advantages. That was the simple position of the Church in the colonies. It was just so far connected with the State as to be unable to act for itself, without a single privilege being given in return for that disability; and it only asked that it should be placed upon the same footing as other religious denominations, and have the power of making by-laws for itself in the same manner as any common corporation in this country, and no more.

MR. HUME wished to relieve the minds of hon. Members, who seemed to be alarmed for the position in which members of the Church of England were likely to be placed in the colonies. He took it for granted that no court would be found in the colonies which would enforce the penalties of *præmunire* on any ground of the kind supposed. He had refused to vote with the hon. Baronet the Member for Southwark for a double chamber, because he thought it would be more conducive to the peace and prosperity of the colonies to leave that question for their own decision. Would it be consistent in him, then, to vote for the present Motion, which he believed would sow the seeds of religious dissension in the colonies, when he had refused to vote for a Motion which he believed would create political disunion merely? If there was anything more important than another to keep out of the colonies, it was religious discord.

The ATTORNEY GENERAL said, that if he had believed that by opposing the proposed clause, he would in any degree impair the efficiency of the Church of England in the colonies, it certainly should not have met with his opposition. But he believed that it would very much impair its efficiency, and therefore he could not agree to it. As he understood, the objection of the right hon. Gentleman the Member for the University of Oxford, to the present state of things in the colonies was, that the Church of England had not a church government to refer to—that they had no ecclesiastical courts to control and direct them. Now, it was true that upon the first institution of the bishops to the colonies, it was intended to give the Church of England there such courts; but, upon further consideration, it was found that the Crown had not the power, and consequently the intention was abandoned. But he apprehended that it was by no means necessary to the efficiency of the Church in the colonies that it should have ecclesiastical courts, with power to pass ecclesiastical censures and the other various modes of government established in this kingdom. It seemed quite enough that the Church should be put upon a footing of equality with other persuasions with regard to the management of its own internal affairs. Did he understand the hon. Gentleman the Member for North Staffordshire to say, that his only reason for asking the House to adopt the present resolution was, that it would enable the Church to meet without incurring the penalties of *præmunire?* If so, the Motion was quite unnecessary, because the statute of *præmunire* was a territorial enactment, and was not applicable to the colonies at all. If the members of the Church of England were to be placed on a footing of equality with other persuasions in the colonies, let them do as other persuasions did—let them establish mutual regulations amongst themselves for their own government. The principle of the Bill was to give the power of local self-government to the people of the colonies. The adoption of this Motion would establish an exception to that principle, by giving legislative authority to another body to pass particular laws. But in order to see the danger of the proposition, he begged the House to turn to the terms of it, and they would find that it not merely proposed that clergy and laity should meet upon one occasion to establish a system of government for the conduct of their ecclesiastical affairs, but that it should be lawful for them "to meet together from time to time" to regulate their affairs, and that when met that they should have power to make provision for meeting thereafter. He believed that the powers given by this clause would enable the members of the Church to do anything and everything "for the better conduct of their ecclesiastical affairs," except (as appeared from the provisoes) to inflict a pecuniary penalty. He believed that it would not only introduce a most dangerous principle into the colonies, but that it would create a dangerous precedent for that House; because, if they adopted this clause, and gave the clergy of the colonies the power of assembling and regulating the conduct of their ecclesiastical affairs, why withhold a similar power from the clergy of the Church in this country? The answer of the right hon. Gentleman to the suggestion that the matter might be left to the colonial legislatures, namely, that those legislatures were not likely to be exclusively composed of Churchmen, was, to his mind, decisive of the question; because, if they could not trust the legislatures of the colonies to make the necessary enactments on this subject, because they knew they would not give the preeminence to one sect over another, were they not taking away the whole merit of the Act, by depriving these bodies of the power of local self-government? He opposed the clause, therefore, because it was contrary to precedent, because it was unjustifiable in itself, and because it would introduce dissensions and heartburnings into the colonies.

Mr. WALPOLE thought that the object of the clause had been misunderstood by the Government and the House. It was an error to suppose that it was to create a convocation, or to give supremacy to the Church of England in the colonies. If the clause could have any such operation, there was no man in that House who would resist it more strenuously than himself; but he was prepared to give it his most cordial support, because he believed that the only effect that was hoped or intended to result from it was, that the members of the Church of England should be placed on terms of perfect equality with all other classes of religionists in having the power to manage their own affairs. The hon. and learned Gentleman the Attorney General and all other hon. Members who were prepared to take the same course with respect to the present Motion, were fully aware that the Church of England did not at present enjoy that privilege; for, by a statute of Henry VIII., it was enacted that any members of the Church of England meeting together for the purpose of making arrangements or regulations among themselves in spiritual matters, were subject to fine or imprisonment. All the clergy in the colonies belonged to the province of Canterbury, and would have to submit to the same laws and ordinances as the clergy who were attached to that diocese and resident in England. A colony carried with it the laws of the Church and the Church itself, and it could not move or have free action in spiritual matters except in compliance with those laws. Therefore if a clergyman in the colonies should think fit to disobey the orders of his spiritual head, no means could be taken to reduce him to obedience, except by the tedious and circuitous process of an appeal to the ecclesiastical authorities in this country. Such a state of things was attended with great inconvenience, and an instance of its mischievous operation had recently occurred in Van Diemen's Land, where the bishop could not interfere to reduce to obedience a clergyman who refused to permit lectures or sermons to be given in his church on week days. The object of the clause under discussion was nothing more or less than to enable the clergy to meet and agree to make such arrangements among themselves as might conduce to good order in the Church—arrangements which might be put in force by the civil courts in the colony, in the same way as the arrangements of any other religious body in this country might be enforced. Why should not the Church in the colonies have the same free action as any other religious body? All it required was equality; and if equality were not granted, the refusal would remind him of those days in the history of our country when there was toleration for everybody except the members of the Church of England, who were refused free permission to use either in public or in private the prayers of that Church.

Mr. GLADSTONE was aware that at this stage of the measure he was not entitled by the laws of debate to the privilege of reply, but he would take the liberty of trespassing for a single moment on the attention of the House, while he endeavoured to remove a misrepresentation which seemed to have led astray the judgments of several hon. Members. All that he designed by the clause in question was to give to the Church of England in the Australian colonies the very same power, neither more nor less, and the same means of enforcing it, which were at the present moment possessed and exercised by every other religious body in the colonies. If the language of the clause did not accurately convey that meaning, he would willingly submit to any limitation or phraseology which would insure his getting nothing more than he had described. Nay, more, if he could obtain a pledge from the Government, that, with the means of inquiry which they had at their command, they would examine into the question, ascertain the true state of the law, and guarantee that the Church of England should be placed on terms of absolute equality with all other churches, he would willingly consent to withdraw the clause. But, in the absence of such an assurance, he was persuaded that the objections which were urged against the clause were nothing better than unworthy expedients for getting rid of it, and avoiding justice.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House divided: Ayes 102; Noes 187: Majority 85.

List of the AYES.

Adair, H. E.
Archdall, Capt. M.
Bailey, J.
Baldock, E. H.
Bankes, G.
Baring, hon. F.
Bateson, T.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Best, J.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Boyd, J.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Brockman, E. D.
Brooke, Lord
Buller, Sir J. Y.
Campbell, hon. W. F.
Carew, W. H. P.
Chatterton, Col.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Colvile, C. R.
Conolly, T.
Corry, rt. hon. H. L.
Currie, H.
Damer, hon. Col.
Disraeli, B.
Drumlanrig, Visct.
Drummond, H. H.
Duncuft, J.
Dundas, G.
East, Sir J. B.
Edwards, H.
Evelyn, W. J.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Fox, S. W. L.
Gladstone, rt. hon. W. E.
Greenall, G.
Grogan, E.
Gwyn, H.
Hale, R. B.
Hamilton, G. A.
Hamilton, Lord C.
Harris, hon. Capt.
Heneage, G. H. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Hildyard, R. C.
Hodgson, W.
Hope, A.
Hudson, G.
Hughes, W. B.
Jocelyn, Visct.
Johnstone, Sir J.
Lockhart, W.
Lowther, hon. Col.
Manners, Lord J.
Miles, W.
Molesworth, Sir W.
Mullings, J. R.
Mundy, W.
Naas, Lord
Patten, J. W.
Plowden, W. H. C.
Rushout, Capt.
Sandars, J.
Scholefield, W.
Scott, hon. F.
Seymer, H. K.
Simeon, J.
Sotheron, T. H. S.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stuart, H.
Stuart, J.
Taylor, T. E.
Thesiger, Sir F.
Tollemache, J.
Trevor, hon. G. R.
Verner, Sir W.
Villiers, Visct.
Vyse, R. H. R. H.
Walpole, S. H.
Wellesley, Lord C.
Williams, T. P.
Willoughby, Sir H.
Wood, W. P.
Young, Sir J.

TELLERS.
Adderley, C. B.
Palmer, R.

List of the NOES.

Adair, R. A. S.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Bulkeley, Sir R. B. W.
Burke, Sir T. J.
Carter, J. B.
Caulfeild, J. M.
Clay, J.
Cobden, R.
Cockburn, A. J. E.
Collins, W.
Corbally, M. E.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Curteis, H. M.
Dalrymple, Capt.
Dawson, hon. T. V.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Douglas, Sir C. E.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Ellis, J.
Elliot, hon. J. E.
Estcourt, J. B. B.
Fergus, J.
FitzPatrick, rt. hon. J. W.
Fordyce, A. D.
Forster, M.
Freestun, Col.
Gibson, rt. hon. T. M.
Goddard, A. L.
Grace, O. D. J.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Henry, A.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Howard, Lord E.
Howard, hon. J. K.
Howard, hon. E. G. G.
Howard, P. H.
Howard, Sir R.
Hume, J.
Humphery, Ald.
Jervis, Sir J.
Keating, R.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Lascelles, hon. W. S.

Lemon, Sir C.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Loch, J.
Locke, J.
M'Gregor, J.
M'Taggart, Sir J.
Marshall, W.
Martin, C. W.
Martin, S.
Matheson, J.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milton, Visct.
Mitchell, T. A.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
O'Connell, M.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Pechell, Sir G. B.
Pelham, hon. D. A.
Pigott, F.
Pilkington, J.
Raphael, A.
Rawdon, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roche, E. B.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, F. C. H.
Rutherfurd, A.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stanton, W. H.
Stuart, Lord D.
Stuart, Lord J.
Sullivan, M.
Talbot, C. R. M.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Tufnell, H.
Verney, Sir H.
Villiers, hon. C.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wyld, J.
Wyvill, M.

TELLERS.

Hill, Lord M.
Grey, R. W.

The remaining Clauses then were severally put, and negatived.

Bill to be read 3° on Monday next.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, May 7, 1850.

MINUTES.] PUBLIC BILLS.—1ª Tenants at Rack Rent Relief; Distressed Unions Advances and Repayment of Advances (Ireland); Defects in Leases Act Amendment.

3ª Indemnity.

FOREIGN CHAPLAINCIES BILL.

On the Order of the Day being read for the Second Reading of this Bill,

EARL NELSON said, that since he had had the honour of introducing this measure, he had received the strongest requests from different quarters not to press the second reading, upon the ground that any discussion of ecclesiastical affairs at the present moment might interfere with that calm consideration which such a subject as the present was entitled to receive. Under these circumstances he should postpone the further progress of the measure till after Whitsuntide.

The **MARQUESS of LANSDOWNE** was glad to hear the noble Earl's intention to postpone the Bill, because it was one to which Her Majesty's Government could not give their assent. It was a measure which, to some extent, infringed upon the prerogative of the Queen: and he hoped that when it was again brought before the House, the noble Earl would consent to withdraw it.

Order of the Day discharged.

House adjourned to Friday next.

HOUSE OF COMMONS,

Tuesday, May 7, 1850.

COURT OF CHANCERY.

MR. BAILLIE said, he had given notice of a question of rather a delicate nature; but looking at the public inconvenience which had occurred in consequence of the Lord Chancellor's inability to attend to the proceedings of the Court of Chancery, which had for a long time been in abeyance, he trusted he might be excused for asking the right hon. Gentleman the Secretary for the Home Department whether he was able to give the country any intimation as to the probable period at which the Lord Chancellor might be expected to resume the duties of his office?

SIR G. GREY believed it was well known to all, that for several weeks past the Lord Chancellor had been suffering under severe indisposition. He was sure the hon. Gentleman would rejoice to hear that the noble and learned Lord was recovering, and was already able to attend to business connected with his office, though he had not yet resumed his regular sittings in the Court of Chancery. The noble and learned Lord intimated to the leading counsel of his court at the beginning of this term, that he was ready to hear in his own house any appeals that might require immediate attention. There was only one case of that nature at the time; upon which the noble and learned Lord, after hearing it argued, had pronounced a very able judgment.

EXHIBITION OF WORKS OF INDUSTRY, 1851.

MR. ARKWRIGHT begged to inquire of the right hon. President of the Board of Trade whether he intended to ask Parliament to interfere in any way with respect to the Exhibition of the Works of Industry, 1851? and whether he would give an assurance that no application for an allowance of public money in aid of that exhibition would, under any circumstances, be sanctioned by Her Majesty's Government?

MR. LABOUCHERE did not anticipate that it would be his duty to ask Parliament to interfere in any way with respect to the conduct of the Exhibition of 1851, which in its origin had been, and he trusted to its termination would be, entirely dependent on the voluntary exertions and contributions of the public. The only point on which it was possible he might ask the interference of Parliament, and which was now under his consideration, was whether in the Bill which it would be necessary to propose to the House to amend the Act for the registry of designs, it might not be expedient to introduce a clause to protect from piracy the unpatented articles that might be exhibited. With respect to the second question, he objected on principle to answer questions of that general description; but he could assure the hon. Member that, having the honour to be one of the commissioners for the conduct of the exhibition, nothing was further from the intention of the commissioners than to apply to the Treasury for any advance of money, and that if they did apply he believed that Her Majesty's Government would be unwilling to entertain it. The only expenses which would fall upon the Government were those to which his noble Friend at the head of the Government had referred when he stated that he intended to advise the issuing of the commission, namely, those ordinary and trifling expenses which were necessarily connected with the conduct of any public commission. Beyond that, he did not anticipate that the country would be asked for a single shilling towards the exhibition.

ADVERTISEMENT DUTY.

MR. EWART, having presented a great number of petitions, chiefly from newspaper proprietors, against the advertisement duty, proceeded, pursuant to notice, to bring forward his Motion for the repeal of the duty on advertisements. The petitions he had just presented, emanating from every class of newspaper property, would of themselves have warranted him in mooting this question; but he proposed the Motion still more emphatically on broad public grounds. He considered this tax one of the most objectionable taxes ever imposed on the country. It was a tax on the vehicles of information and commerce. It stood in the same predicament, though much more obnoxiously, with the tax on auctions, that was repealed by the right hon. Member for Tamworth. That tax was repealed because it was a tax on transactions; there could be no tax more objectionable in a social, political, or commercial point of view, than a tax on transactions; and he regarded the advertisement duty as coming emphatically within that category. He considered it, indeed, on general grounds, as even more objectionable than the duties which had recently been brought before the House by his right hon. Friend the Member for Manchester. He most fully participated with his right hon. Friend in his hostility to all taxes on knowledge; but this minor duty on advertisements extended still further, for it taxed knowledge—it taxed agriculture—it taxed literature—it taxed the wants of the community. No one could take up a commercial paper without observing how trade was fettered by this tax; no one interested in agricultural produce and interchange could be ignorant how heavily it pressed upon that interest; and he trusted that those who peculiarly represented agriculture in that House would support his Motion, as one closely connected with the objects of their advocacy. It was a tax which pressed upon literature to such a degree, that Mr. M'Culloch did not hesitate to characterise it as amongst the heaviest burdens in the way of taxation that impeded the production of literary works. It was a tax upon religious communications. Among the petitions he had just presented were several from the proprietors of religious newspapers, who stated that their circulation was materially checked by this prohibitory duty. It was a tax on art, for he found the proprietors of such publications as the *Illustrated London News* and the *Art Journal* stating that they suffered severely from the operation of the duty. It was a tax even on wit, for such publications as *Punch* complained that more or less they were affected by the impost. It was a tax on the poor, for the humble author on his sixpenny pamphlet, the distressed needlewoman on her appeal for employment, paid as heavy a tax as the wealthy capitalist upon the announcement of a vast estate for sale. His right hon. Friend the Chancellor of the Exchequer would probably complain that independent Members of the House were constantly interposing proposals to repeal taxes which the Government would find it difficult to repeal. He must nevertheless speak there for those who desired he should represent their interests, and for the interest, as he conceived, of the public at large. For the Chancellor of the Exchequer could not justly make it matter of complaint that a Member of the House should raise a question of this kind, unless the right hon. Gentleman could disprove the universal pressure of the tax in question. What tax pressed most generally on the community? and what tax could most easily be spared? These were the two points on which the question turned. It had well been said, on a recent occasion, that you might, on the principle of this tax, have imposed a tax upon the public cryer; he would add, that upon its principle you might just as well lay a tax upon the transactions of men with each other on the public exchange, or the corn merchant at the corn exchange, or the coal merchant at the coal exchange, before you allowed him to negotiate his commodities. The tax, further, was a tax of great inequality, for the advertisement duty was not levied on all advertisements alike, but only on advertisements that appeared in newspapers and periodicals, so that you might advertise as much as you liked in books without being taxed. One of the results of the system had been an evil which occurred to every one's eyes as he walked along the streets. The public, almost prohibited from advertising in the legitimate channels, placarded their announcements upon the perambulating van, which, with its unwieldy bulk, impeded and disfigured every thoroughfare—a strange herald of literature, which, drawn by its lame Pegasus, and advertising some modern poem or some modern drama, reminded him of the old Horatian lines—

> "Ignotum tragicæ genus invenisse Camœnæ,
> Dicitur, et plaustris vexisse poemata Thespis."

Another peripatetic advertisement created by this obnoxious duty assumed the shape of an unfortunate man, encumbering the streets, encased between two boards, before him and behind. These and similar objectionable expedients were the result of the system which he desired to remedy. He held in his hand papers showing the excessive severity with which the revenue department must necessarily press on the communication of human wants. No advertisements could by any classification escape the duty. Each individual article specified (however briefly, even in a single line) within a class, must pay the same amount of duty as if it stood singly, and filled a column. He had received a letter from a publisher in Scotland, stating that, having occasion to advertise a series of articles, each article in the series occupying one line of the advertisement, he had been charged duty for each line, as for a separate advertisement; while, had each article occupied a column and a half instead of a line, he would have been charged no more. Another distinction which the Revenue Department made, was that, though the subjects of charge related to the same thing, yet, if what was called a separate interest could be established between them, they were separately charged. Suppose a steamboat company or railway company desired to inform the public that its boats or its trains ran to a particular place, and that from that place passengers might be conveyed whither they wanted to go by a coach or other vehicle, this information, so essential to the public, could not be embodied in one advertisement, but must pay a separate tax for every separate announcement. Though he did not blame the revenue boards for doing what they might deem their duty, he maintained that such proceedings as those which he described were interferences with, and injuries to commerce. If we directed our eyes from this country to the United States, where no advertisement duty existed, how different was the scene! Any gentleman who had seen the newspapers of the United States would agree with him in thinking that the vast number of advertisements he found there must be a source of infinite commercial advantage to the whole community. Advertisements in the United States were the great vehicles of interchange. When Mr. Poulett Thompson brought forward the general subject of taxation he stated to the House, that whereas in the United States the advertisements, at that period, annually numbered 10,000,000, in England they only reached 1,000,000. In 1833 the advertisement duty was reduced from 3*s.* to 1*s.* 6*d.*, and there was, in consequence, a great increase in the number of advertisements; but still, if we compared the number of papers circulating in this country with the number of those circulating in the United States, a comparison immediately connected with the advertisement duty, the result was altogether in favour of the United States. In 1847 there were published in England, Scotland, Ireland, Wales, and the Channel Islands, 565 newspapers; in the United States, with a population one-third less, there were published in the same year 1,700 newspapers. He was satisfied that the numbers would be much more equally balanced if the injurious fetters imposed by this tax were once removed. And not only did England suffer in comparison with the United States, she suffered also in comparison with her own colonies. He would put it to the House, whether it was right that Englishmen at home should be worse off in this respect than Englishmen in the colonies? Yet colonial newspapers paid no tax on advertisements. Nothing could show more fully the tendency of advertisements to multiply than the great increase in their number since the reduction of the duty in 1833. Previous to the reduction of duty in 1833 the number of advertisements generally averaged 700,000 or 800,000 a year; but since the reduction the advertisements had gone on gradually increasing, till at the present time they numbered about 2,000,000 annually. This increase had taken place, undoubtedly, in consequence of the reduction of duty. He had the authority of Mr. M'Culloch in favour of the total repeal of this duty. That gentleman, while admitting the benefit derived from the reduction of the duty, said that it could not be imposed upon the *ad valorem* principle, which would be the only just principle by which it could be regulated, and that therefore the best course would be to repeal it altogether. He (Mr. Ewart) entirely concurred in that opinion. The amount at present raised by advertisement duty in England, Wales, Ireland, and Scotland, was about 157,000*l.* a year. Previously to the reduction of the duty the revenue derived from this source was about 170,000*l.* a year; so that, in consequence of the great increase in the number of advertisements, the produce of the tax was now approaching what it had been in 1833, when the duty was reduced by one-half. His inference was, that if they entirely repealed the duty, the number of advertisements would increase to a proportionate extent. He believed that the repeal of this tax would be of the greatest advantage to the wealthiest person in the community, who offered lands or goods for sale, as well as to the poorest needlewoman who was pining for employment; and, deeming it a duty more uncommercial in principle, and more general in pressure, than any other existing duty, while, at the same time, it could most easily be spared by the Chancellor of the Exchequer, he did not hesitate to move, "That it is expedient that the Advertisement Duty be repealed."

MR. M. GIBSON seconded the Motion.

MR. TRELAWNY said, he had a Motion on the Votes for the application of two millions a year to the reduction of the National Debt, in time of peace; and, therefore, however much he might agree with the hon. Gentleman the Member for Dumfries as to the evil results of this and other taxes, he could not consent to support the present Motion. He believed that great fallacies had been put forward on the subject of taxation; as, for instance, the other night, when they heard so much in favour of the remission of the duty paid by solicitors, though he, for one, considered that tax, like many others, was paid, not by the attorney, but by the consumer. He should censure hon. Gentlemen on that (the Opposition) side of the House for supporting all these reductions of taxation, because he thought they ought to regard the reduction of the debt as a matter of far more prominent importance. It was from this feeling that he felt bound, though with great reluctance, to oppose the Motion of the hon. Gentleman.

The CHANCELLOR OF THE EXCHEQUER thanked his hon. Friend the Member for Tavistock for the support he had given him in resisting this Motion. He hardly knew what more he could say on the subject, than he had already said on the three or four occasions when he had had to oppose propositions for reducing or repealing taxes. He had stated what sum he thought it necessary to maintain to meet contingencies, and how he proposed to apply the surplus that would be left, and the House had confirmed him in the course he then took; he could not, therefore, consent to any proposition which would interfere with that arrangement. He quite agreed that it would be impossible to have an *ad valorem* duty on advertisements. The duty had been reduced from 3*s.* to 1*s.* 6*d.*, and the hon. Gentleman admitted that since the reduction the number of advertisements had almost doubled. This showed that considerable benefit had already been given in this item of taxation. He did not hold himself bound to prove that any tax was beneficial, or to show that it was not liable to objection; but the question was, whether, if the House were prepared to remit taxation, this precise tax upon advertisements ought to be first chosen. He thought the taxes which pressed on the articles of consumption, and on the lower classes of the people, were those which had the first claim on public attention. No doubt hopes were entertained by many, that every tax would be abolished; but as no Chancellor of the Exchequer could carry on the public service without money, it was utterly impossible to realise the happy days when all taxes would be done away with. There was no end to the Motions and suggestions which were made at present for the repeal of taxes. Some were for repealing the taxes on air and light, and others for repealing the taxes on knowledge and advertisements. He hoped the House would maintain the public service, and join with him in resisting this further attempt to reduce taxation, because it was utterly impossible that the financial credit of the country could be sustained if all the sources of public income were one after another frittered away. Under these circumstances, he hoped the House would concur with him in opposing the Motion.

Mr. HUME said, the address of the right hon. Baronet was an appeal to the House to this effect:—"I have made up my mind. I will not listen to any change of my plans, and therefore I will not enter into the particulars of this advertisement tax." He (Mr. Hume) objected to too great a deference being paid to the judgment of the right hon. Baronet in this matter. He knew that the Government of the country could not be carried on without money, but then it was the duty of a Chancellor of the Exchequer to obtain that money at the least possible inconvenience to the great mass of the community. The question was not whether the advertisement duty was new or old, but whether it bore on particular interests, and whether the amount it produced might not be obtained in a manner less burdensome to the people. The House ought to overrule the Chancellor of the Exchequer on the present occasion, the more particularly if they thought with him (Mr. Hume) that he had made an unwise distribution of the surplus. What did the advertisement duty do? It prevented the giving of publicity to the various articles required by the community. Every man who had anything to sell wished to sell it to the best advantage, and every man who desired to purchase wished to do so to the best advantage. Both could effect their objects by means of advertisements, if the duty were repealed. In the United States, it not unfrequently happened that a single newspaper contained 10,000 advertisements. The consequence was, that the public knew at once where to look for what was to be sold and bought; and this was an immense advantage in a trading and commercial point of view. The parties most anxious to advertise were the poor—the persons who wanted and were seeking for employment. He believed that half the profit realised from advertisements were obtained from servants who were out of place, and looking for situations. If no other class except these were to be benefited by the present Motion, the Chancellor of the Exchequer ought to be told at once that the tax must be repealed. If, indeed, the House were to be told that they must not interfere in the matter of taxation after the Chancellor of the Exchequer had once issued his fiat, then they might as well shut up at once. It was because he wished to see knowledge prevail, and the springs of industry relieved, that he should most cordially support the Motion.

Mr. EWART, in reply, observed, that the Chancellor of the Exchequer had said that objections might be taken to any tax; but when the House was in a position to remit taxation, the question was, what was the most objectionable tax; and he (Mr. Ewart) regarded this as one of the most objectionable duties now imposed. He hoped, therefore, that the House would assent to his proposition.

The House divided:—Ayes 39; Noes 208: Majority 169.

List of the Ayes.

Adair, R. A. S.
Berkeley, hon. G. F.
Blewitt, R. J.
Bouverie, hon. E. P.
Bright, J.
Broadwood, H.
Bulkeley, Sir R. B. W.
Cobden, R.
Corbally, M. E.
Cowan, C.
Crawford, W. S.
Duff, J.
Duncan, G.
Ellis, J.
Fitzroy, hon. H.
Greene, J.
Heyworth, L.
Hodgson, W. N.
Hume, J.
Hutchins, E. J.
Keogh, W.
Kershaw, J.
Lushington, C.
Meagher, T.
Mowatt, F.
Mullings, J. R.

Nugent, Lord
O'Connor, F.
Osborne, R.
Pechell, Sir G. B.
Pigott, F.
Pilkington, J.
Scholefield, W.
Stanford, J. F.
Thompson, Col.
Thompson, G.
Wawn, J. T.
Williams, J.
Wyld, J.

TELLERS.

Ewart, W.
Gibson, T. M.

JOURNEYMEN BAKERS.

LORD R. GROSVENOR said, the Motion he was about to submit to the House was one which appealed to the best feelings of the heart. He had on a former occasion explained the grievances of which the journeymen bakers complained, and he could not believe that any serious objection would be made to his proposal. When he first brought forward the subject, he moved for a Committee to inquire into the sanitary condition of the journeymen bakers. To that Motion the right hon. Home Secretary replied, that as papers on the subject had been laid upon the table, there was no necessity for inquiring into matters which would be clearly developed in those papers. The right hon. Member for the University of Oxford then said he would prefer seeing a remedy applied by a Bill, rather than that the subject should be referred to a Committee. Last year he (Lord R. Grosvenor) moved for leave to bring in a Bill to prohibit labour in bakehouses during certain hours of the night. The evils under which the men laboured were admitted, and it was not attempted to be proved that the remedy proposed would not be efficient; but a certain set of phrases were strung together, and all sorts of evil prophesied from the working of such a Bill were made, and leave was refused. The petitioners whose petitions he had presented at an early period of the evening stated that they had considered the arguments used against the proposed Bill, and believed the majority of the House were under a complete misconception as to the effects it would produce, and they prayed for a Committee of Inquiry. The right hon. Home Secretary had admitted that there might be a case upon the sanitary ground, and he (Lord R. Grosvenor) proposed now to delegate to a Committee of Inquiry whether the state of the bakehouses was not extremely prejudicial to health—those houses in which the food of the people was prepared. It was complained that they were in such a state as to injure not only the persons working, but the bread made there—an article liable to be affected by the air that was around it; and every one who had seen the horrid dens in which the greatest part of the bread was prepared in this town, and the dirty state of those who had to prepare it, would concur in thinking that some sanitary regulations were necessary. If there were no other reason for a Committee, it would satisfy the men themselves, who must know whether they were suffering, and must be best acquainted with their own trade. He hoped he should not make this appeal in vain.

Motion made, and Question put—

> "That a Select Committee be appointed, to inquire whether any measures can be taken to improve the sanitary condition of the Journeymen Bakers."

LORD D. STUART seconded the Motion.

SIR G. GREY would have bsen glad if he could have felt it consistent with his duty to agree to the Motion; but the objections he had had to urge on former occasions remained unremoved. He felt the force of the argument urged on those occasions by several Gentlemen, that it was inexpedient to grant Committees of Inquiry founded upon such petitions, unless the House had some clear and definite conception of legislative measures that might be founded upon the report of such a Committee. When the noble Lord moved for a Committee of Inquiry two years ago, he was met by the argument that the evidence upon the subject of the condition of the persons in this trade was taken before the Sanitary Commission. Statements very painful to read were made, and it was impossible to deny that those persons were subject to very serious evils in the prosecution of the business in which they were employed; but the remedy proposed by the noble Lord was rejected by a very large majority, because it was felt that it would not only be violating the principles of political economy, but that it would be impossible to enforce it, and that if we proceeded to legislate for this trade, there was no reason why we should not be asked to legislate with regard to others. He (Sir G. Grey) believed, as he had said before, that arrangements might be made between employers and men, by mutual consent, which would tend to remedy many of the evils complained of; and that by looking to Parliament the parties were diverting their attention from the means by which they might attain a remedy. The petitioners asked for an opportunity of proving before a Committee that the House was wrong in rejecting the Motion of last year; but that was matter for the House, not for a Committee. The noble Lord had pointed to sanitary measures; if any peculiar sanitary measures were necessary as applicable to this trade, they might be taken under powers already subsisting, or new powers might be asked for from Parliament; but Parliament had all the information which would enable it to legislate, if legislation was desirable. He (Sir G. Grey) had always avowed his opinion, that legislation would not accomplish the object the parties had in view, and that the Committee asked for would be inoperative and have no practical effect. To agree to the Motion would be acting contrary to principle, only to insure ultimate disappointment. Participating in the benevolent desire of the noble Lord, he must, with great regret, object to the appointment of the Committee.

Mr. STAFFORD said, that when the parties on whose behalf this Committee was moved ascertained that it was opposed on no better grounds than those just advanced by the right hon. Gentleman, they would arrive at the conclusion that their case had not been fairly met. It was urged against the present claim that other callings and trades would bring forward their grievances also; but all he could say to that was, that if Parliament went on refusing to allow these parties to give evidence of their grievances, it was not very likely that the working classes would much longer persist in their attempts to get their condition ameliorated by appeals to the Legislature. Now, bearing in mind what we saw going on around us in other countries, he did not think it wise to turn a deaf ear to claims so unanimously preferred. Although evidence might already have been collected, he thought a Bill on the subject would come with all the greater force if founded upon the more recent statements of the journeymen bakers. When the noble Lord the Member for Middlesex proposed to bring in a Bill, he was opposed; and when he suggested a Committee, he was told to introduce a Bill; but if these parties were thus driven from pillar to post, they would come to the conclusion that Parliament was either unable to mitigate their grievances, or unwilling to inquire into them, or they would conclude that, under the guise of modern philosophy and dogmatical rules, the Legislature were only showing their incapacity to deal with a complex question. He did not think that these grievances could be settled by private agreement, and feared that, unless Parliament stepped in, the working people would break out in disaffection, and not omit opportunities of showing that their feelings had been alienated from their rulers.

Mr. BRIGHT understood that the noble Lord wished the inquiry to extend to the places in which these men worked, and the time they were employed. The noble Lord had even spoken of their disgusting dirtiness. But he (Mr. Bright) could not understand how Parliament could take steps to alter the buildings in which they labour, or to make them more cleanly. He did not see how Parliament was to interfere directly and avowedly with the labour of adult men. Indeed, the noble Lord's clients, however much they might suffer, seemed to be in a very good position to plead their own cause, for they had an organ of their own, termed the *Bakers' Gazette and General Trades' Advocate.* By a copy of it, which he held in his hand, he was happy to observe that the stamp authorities had not put their impress upon it, and that it could be sold for three halfpence. That the House might know what were the principles now being propounded to Parliament, he would read from this publication a few sentences from an article which contained opinions identical with those expressed by the noble Lord, and with the principles of the measure he brought forward last year. The article was entitled "Wages and Labour," and referred to a case which was brought before one of the police offices, showing for how small a sum a needlewoman had been compelled to work, and complaining of the want of some law to protect labour. The particular case was that of a poor woman who was allowed but sixpence per pair for making corduroy trousers. He put it to the House whether there was anything in any of the projects of Robert Owen, or of any of the Socialists of the day in France, more clearly of the nature of what we understood by Communism than what was contained in that article. The men whose case the noble Lord advocated were grown up men, and, as it appeared, not ordinary men, but Scotchmen. Now, if there was one class of men on the face of the earth better able than another to take care of themselves, it was Scotchmen. If the condition of these north country bakers was horrible, he took it that there was something more horrible still in their own country, from which they had fled. If he were in the position of the noble Lord, he should be ashamed to stand up in defence of about 200 stalwart Scotchmen, who could publish a Gazette of their own, and write articles in it of considerable literary merit, and appeal for a remedy to that House, already bowed down with the weight of great public duties. It would be endless work if Parliament were to undertake to make all bakeries comfortable, instead of being as they were described—horrible dens of discomfort and dirt.

LORD D. STUART had not heard a single reason why the Committee moved for should be refused. It had been said that no good could possibly result from giving themselves the trouble of going through a fresh investigation by the means of a Committee. Was it any reason that justice should not be done to these poor men, because they had friends who supported their cause through the agency of the public press? Was it a reason when poor people were oppressed, that they should be further oppressed, because some persons were found to take up their cause? Surely, when people had a right to demand a redress of grievances, the best way was to solicit, and if possible obtain, the support of the public press. The peaceful agitation which the press created was evidently the most advantageous mode of gaining any legitimate object in public affairs. There might be hundreds, perhaps thousands, employed as bakers. Of this there could be no doubt, that petitions on the subject came from all parts of the kingdom. He would ask, then, when thousands were dependent for their health and morals on the legislation of that House respecting the present subject, when the lives of those men were in danger of being shortened by the present defective state of the law, would the House deliberately refuse to grant an inquiry? The right hon. Baronet the Home Secretary had told them that all the information which could possibly be obtained on the subject was already before them; but how could he or any one assert that a great deal of information might not yet be obtained? He should not detain the House longer than to say that he had resolved to give his noble Friend all the support in his power on this subject.

MR. G. THOMPSON said, he felt himself called upon to take some notice of what had fallen from the hon. Member for Manchester. He had himself been accused of being somewhat too much of a political economist, but if he could imagine that the science of political economy necessarily led to such opinions as those expressed by the hon. Member for Manchester, it would greatly alter his sentiments on that subject. It appeared to him that great injustice had been done to the petitioners in this case, and it appeared to him also that the case of the corduroy trousers had nothing whatever to do with the question before the House. They had been told that the investigation of this matter by a Committee was wholly needless. Now, on the contrary, it appeared to him that a great deal of information was yet wanted, if not for legislation within the walls of that House, at least for the purpose of influencing public opinion out of doors. Hon. Members were bound to recollect that great numbers of the industrious population of this great town were employed in the very useful trade of bakers, and that theirs, as well as every other case of substantial grievance, ought to be looked into. He should most cordially support the Motion.

MR. S. CRAWFORD thought that the House ought not to turn a deaf ear to such complaints; he should, therefore, vote for the Motion of the noble Lord.

LORD R. GROSVENOR, in reply, said that the petitioners ought not to be held responsible for all that appeared in the paper to which the hon. Member for Manchester referred; for they, like himself, had probably no more connexion with it than arose from taking it in.

The House divided:—Ayes 44; Noes 94: Majority 50.

List of the AYES.

Beresford, W.
Best, J.
Blackstone, W. S.
Blandford, Marq. of
Broadwood, H.
Castlereagh, Visct.
Cobbold, J. C.
Cowan, C.
Crawford, W. S.
D'Eyncourt, rt. hon. C.
Disraeli, B.
Duncan, G.
Dundas, G.
Dunne, Col.
Fagan, W.
Fellowes, E.
Floyer, J.
Granger, T. C.
Greenall, G.
Greene, J.
Herbert, H. A.
Jocelyn, Visct.
Lushington, C.
Meagher, T.
Morris, D.
O'Brien, Sir T.
O'Connor, F.
Osborne, R.
Pechell, Sir G. B.
Pigott, F.
Power, Dr.
Prime, R.
Sandars, G.
Sidney, Ald.
Somerset, Capt.
Stanford, J. F.
Stuart, Lord D.
Sullivan, M.
Thompson, Col.
Thompson, G.
Vyse, R. H. R. H.
Wawn, J. T.

Williams, J.	Wyld, J.
TELLERS.	
Grosvenor, Lord R.	Stafford, A.

KINGSTOWN AND HOLYHEAD MAILS.

Sir R. BULKELEY moved for a Select Committee to investigate and report upon the contract for the conveyance of the mails between Kingstown and Holyhead. The House would recollect that some years ago a company was formed for the purpose of making a railway to Chester and Holyhead, and power was given to the company to possess steamboats. They constructed four steamboats, and Government thought fit to enter into competition with them as carriers. In the year 1849 the Government, however, announced that they were ready to receive tenders for the conveyance of the mails, by contract, between Kingstown and Holyhead; and it was to be supposed that the parties with whom they would enter into that contract would be the Chester and Holyhead Company, who had the boats. However, the directors of the Chester and Holyhead Company discovered that the Government were in communication with the City of Dublin Company; and finding that that company had agreed to carry the mails for 45,000*l.*, and that the Government were about to close the contract with them for that sum, the Chester and Holyhead Company stepped in and offered to convey the mails for 35,000*l.* Instead of closing the contract with them for that sum, it was again opened for public competition; and the Chester and Holyhead Company, finding there was a strong feeling against them at the Admiralty, did not make a tender, but gave them to understand that they were ready to take the contract at 30,000*l.* This information was conveyed to the City of Dublin Company, and they ultimately closed the contract with Government for 25,000*l.* Now, he begged the House to consider what the consequences must be. The saving would not amount to 5,000*l.* a year; and the House should also understand that the City of Dublin Company, though ostensibly trading from the city of Dublin, were, in fact, a Liverpool Company. It was their interest to injure as much as possible the direct line to Holyhead. When it was proposed to make an Asylum Harbour at Holyhead, they were petitioners against it, and spent a considerable sum to prevent an undertaking of that kind competing with Liverpool. In the case of the Birkenhead Docks, no sooner had the promoters of that great scheme began to look for a return upon their capital than the Woods and Forests stepped in and claimed the shore grounds, almost to the entire destruction of the company; and, here again, after a railway company had spent upwards of 4,000,000*l.*, including 160,000*l.* on the construction of steamboats, and just as they were about to reap the fruit of their undertaking, the Admiralty came in and adopted a company whose direct interest it was to injure and ruin, if possible, the interests of that railway. At present, any gentleman going to Ireland, left London at nine o'clock in the evening, and at half-past ten o'clock the same evening was in Kingstown-harbour; but if the finances of the Chester and Holyhead Company became low, they must take off the express trains, and then the only means of going to Ireland would be by the mail at night, sailing next morning from Holyhead, and arriving in Dublin in sixteen or seventeen hours. If a person objected to travel by night, he might go to Liverpool by day, and at seven o'clock he would find a boat belonging to the City of Dublin Company, ready to sail for Kingstown; but that boat, instead of going direct to Kingstown, would turn into Holyhead for a bag of letters. If it were the feeling of the House that the continuous line of communication between London and Dublin was of no consequence for private comfort, or the purposes of Government, then he could not expect their support; but if they thought it of consequence, both for the purposes of Government and the convenience of Irish Members, he hoped the House would give their support to his Motion. The fact was, that when the express boats were taken off, Dublin, in point of time, would not be a bit nearer to London than it was ten years ago.

Mr. F. FRENCH did not think that the Chester and Holyhead Company had any right to complain. If there was any cause of complaint, it was on the part of the Dublin Steam-packet Company. It was known that tenders would be taken by the Admiralty; but this company, that now complained, did not send in any tender. A tender was sent in by the Dublin Steam-packet Company, and everything was nearly fixed on, when, at the last moment, not for the purpose of making money, but for the purpose of thwarting the Dublin Steam-packet Company, a tender at a lower rate was sent in by the Chester and

Holyhead Company. The Government said, they could not conclude the bargain, but would again open the contract for competition; and the Chester and Holyhead Company having again gone into the market, were under-bid by the Dublin Steam-packet Company; and now the hon. Baronet came forward, under these circumstances, with a complaint against Her Majesty's Government. With regard to the allegation that the Dublin Steam-packet Company was a Liverpool Company, he begged to say that the great proportion of the capital of the Dublin Company was held by Irishmen. There would be as rapid communication between London and Dublin by the boats of the Dublin Steam-packet Company as there could be if the contract were in the hands of the Chester and Holyhead Company.

SIR F. T. BARING said, he came down to the House rather with an impression that this was a squabble between the two companies, but the hon. Baronet had made charges against the Government and the department over which he had the honour to preside. He thought that in all cases where there was a doubt thrown on a department that it had acted fairly and honestly in regard to a contract, so far from shrinking from inquiry, that inquiry ought to be sought, and in this case he should seek it. But in so doing, he trusted the House would not for a moment give credence to the statement which the hon. Baronet had made, and which he was sure he must have given from the instructions of other persons. He (Sir F. T. Baring) was cognisant only of the latter part of the transaction, but he could scarcely recognise it as the same from the statement of the hon. Baronet. The facts of the case transpired, some of them, before he was in office; but he apprehended the case stood thus: It was quite true that on the recommendation of the Committee the railway company had power given them to run steamers; but the Committee never intended that the Government should only employ those steamers, and that this company should have a monopoly of Government employment. What were the facts? The Government had steamers on the line before. The company competed with them, not they with the company. He was afraid it had not been a profitable business for the company. The company had offered by private arrangement with the Treasury to take the mails; but they asked so much that the Treasury would not accept the terms. Then came the report of the Committee of the House of Commons, which stated very properly that in all these cases they should have recourse to public competition. They put it up to public competition, and this company did not tender. There was only one tender, and Government had communication with the parties who made the tender, with the view of bringing them to lower terms; and there was a prospect of some agreement being come to, when the Chester and Holyhead company put in a fresh tender, offering to do it for a less sum. He did not think that was a fair way of conducting business. However, Government put it up to public competition again, and again the Chester and Holyhead Company were beat. Government took the lowest tender, and surely the company had no right to complain. He was sorry the company had so managed their business, and that their competition with the Government had not been profitable. It was their fault, and not the Government's. In granting the Committee, he begged it to be understood that the Committee could only be as against the Government, because, so far as the Dublin Steam Packet Company was concerned, they had entered into the agreement, and it would not be broken off. The parties were now actually in operation, and, of course, the faith of the Government was pledged, and the public faith should not be broken whatever might be the opinions of the unfortunate parties belonging to the other company. On looking round, he could not help thinking that there were parties in the House who had some connexion with the unfortunate company, and who were not quite disinterested in the course they would take.

MR. S. HERBERT was glad to hear the explanation of his right hon. Friend, for it gave a different colour to what he had heard respecting this transaction. With respect to the proceeding when the first public competition took place, it was represented to him not as a public tender, but as a private negotiation between the Dublin Company and the Government. [Sir F. T. BARING: That negotiation was between the Government and the other company.] He was glad to say the statement of the right hon. Gentleman set that at rest, unless in Committee the contrary allegation should be proved. He doubted very much that the Dublin Steam Packet Company could perform the service at the amount agreed to, for if a company with vessels could not do it, much less could it be done by a company without vessels. The railway company had spent an enormous sum on their undertaking; they had spent also a large sum on the harbour of Holyhead, and, therefore, he conceived, had the first claim on the Government. The state of the case was one which required consideration to see how far the public interest would be promoted by the arrangement now made. As he understood it, the Dublin Steam Packet Company, having no ships, should procure ships to compete with the railway company, with four of the fastest steamers in the world. The railway company having ships, could still remain on the line, and what would happen would be this: the Dublin Company being obliged to carry the mails, the railway company would send a train with a light engine to carry the mails; another train with passengers would be despatched within a short time afterwards; the consequence would be that the Dublin Company's boat should take the mail without passengers, while the railway company's boat would convey the passengers. The result might be that both the companies would be ruined, and, between them both, the public service would not be advanced.

Mr. B. OSBORNE conceived that they were to take up this question, not as a local squabble between two companies, but as one affecting the interests of England and Ireland. He dared say the fact of this railway having been established would be one of the arguments used on Monday night next in support of the proposition for abolishing the Lord Lieutenancy. He thought the First Lord of the Admiralty had given a fair answer to the charge that had been made, and consequently with that part of the question he had nothing to do; but he must say this, that, considering the great inducements that were held out to this company to lay out their money on this line—not a line merely projected for private advantage, but a line in which great national interests were involved—there was an impression abroad that that company had not been treated with the consideration its merits demanded. They were also induced to lay out 200,000*l.* in improving the harbour of Holyhead. [An Hon. Member: They have not paid a sixpence towards it yet.] The course that was being pursued towards them would prevent them from doing so, or from completing one of the grandest undertakings of modern times—the construction of the tubular bridge over the Menai Straits. The question whether they should arrive from London in Dublin in seventeen or in thirteen hours might be one of life or death in the latter country. A report also had got abroad that the Admiralty had let the docks at Holyhead to the Dublin Company for 200*l.* a year, though the Chester and Holyhead Company would give 800*l.* or 1,000*l.* for it; but that would also be a question for the Committee. In consequence of the Government taking away the contract from the railway company, the railway would not be completed to the pier, and the conveyance of the mails would be delayed.

Mr. MANGLES should not have said one word had it not been for the taunt of the First Lord of the Admiralty, who said that he did not wonder at this debate, because he saw so many present in connexion with the railroad. He (Mr. Mangles) had also looked round, and he believed he was the only individual in the House who was, in the least degree, connected with the company; and, with the exception of his interest in the North Western Railway, he had not a shilling in the Holyhead Railway. The right hon. Gentleman had stated the truth as far as he had gone, but he had only stated it partially. It was true that an offer was made by the Chester and Holyhead Company to carry the mails before it was put up to public competition—he was speaking without book, for he came to the House unconscious of the Motion being about to come on, and he had brought no papers with him. The company said they would carry the mails, and asked, he believed, 35,000*l.* The Admiralty replied that the demand was exorbitant, and that the passage money nearly covered the expenses. But the Admiralty made no allowance for the prime cost of vessels—for their own were paid for by the country—for wear and tear, or for insurance, for they never insured; and they made their estimate as if they could carry the mails for the wages and coals. The company stated to the Chancellor of the Exchequer that they did not want to make any profit whatever on the communication across the Channel, but would be content with the profit derived from the railway; and that they would make an allowance for the passengers, and take the mails for an interest of 5 per cent upon their outlay; but the Admiralty refused, and were pluming themselves now on having saved 5,000*l.* a year, which they had done by retarding, by many hours, the communication with Ireland. This was a most singular instance of a commercial undertaking having been brought to the brink of ruin by the injustice of Government. Even when the undertaking was commenced, its promoters told the Government that it would not pay *per se*, and that they would not commence it unless they had the advantage of carrying the mails. Taking advantage of the railroad mania then raging, the Government screwed the contract down to 30,000*l*., which was a less sum than would now be awarded by arbitration. The next thing was this: Mr. Stephenson, the engineer, was planning a bridge of iron over that enormous strait, which would have cost 250,000*l*. Of course, being built on arches, the summit of which was on a level with the roadway, the spring of the arch was something lower than the centre. The Admiralty immediately said, "This cannot be; we cannot suffer any obstruction to the Menai Strait; you shall not cross the strait with a bridge at all, unless you cross it on a level." They supposed that impossible; but engineering talent had overcome that difficulty, and the strait was crossed on a level. The Government had forced the company—not induced them, as the hon. and gallant Member for Middlesex said—to build the tubular bridge, which would cost nearly 700,000*l*., instead of 250,000*l*. The company did not want to make any profit by the mail communication; they would have been satisfied with doing it at its bare cost. What they wanted was to make a continuous communication between London and Dublin *via* Holyhead, the most rapid and efficient that was possible. Their interest in that respect is absolutely identical with that of the public. They had built boats, which were now running on at that station at a pace, and doing the work in a manner, which would have been thought, a very few years ago, to be impossible upon scientific principles. The third thing was, the Government had said to the company, "You must contribute 200,000*l*. towards the harbour at Holyhead;" and, if they had not actually paid the money, it was only on account of their extreme poverty; they were unable to pay the money, but they were under an obligation to pay it, which the Government could enforce to-morrow. The Government, taking advantage of the circumstance of the company having a Bill before the House, had compelled them, *nolens volens*, to make that contribution; and when the correspondence came before the public, it would be found that the invitation so called was very much in the nature of compulsion. Throughout the whole of the transactions, the Government had never held out a helping hand to this great national undertaking—an undertaking which would, no doubt, shortly be urged as a ground why it was possible to save the country the expense of maintaining a Lord Lieutenant in Ireland. They had rather done their best to screw money out of them, and thus depress them; and every impartial man, who knew the circumstances of the case, and the way the company had been dealt with, expressed his astonishment and displeasure at the course the Government had pursued.

The CHANCELLOR OF THE EXCHEQUER said, it would have been much more convenient had a good deal of this discussion been postponed, or reserved for the Select Committee, by whom the matter could be fairly gone into. He had only three observations to make with reference to the statements of the hon. Gentleman who had last addressed the House. The greater part of the transactions to which he referred had taken place five years ago. The whole of the arrangements with the Post Office, the whole arrangements as to the building of the bridge, had taken place, not during the existence of the present, but of a former Government. Was it not, then, far better that those transactions should be inquired into before a Committee, than that the Government should be asked to enter into explanations of things of which they knew nothing? The Committee would be granted, and the whole matter would come before them, for, of course, there could not be the slightest object in concealment. Then the facts would come out, though, perhaps, not quite in the shape in which the hon. Gentleman stated them. When he said that nothing in the world had been done by the Government towards giving the company a helping hand, he would ask him—referring only to transactions which had happened between himself (the Chancellor of the Exchequer) and the company—if he had not paid money to them which, though earned, was not actually due; and whether, on the other hand, he had not refrained from pressing them for money which was most indisputably due from them? If this were so, was it a proof that the Government had done nothing whatever to assist them? He would not go into the general attacks that had been made; instead of the House listening to contradictory statements on the one side and the other, he thought it would be better that the present debate should cease, and that the facts on both sides should be fully gone into before the proper tribunal.

Mr. H. HERBERT, as an Irish Member, wished to tender his thanks to the hon. Baronet who had brought forward this subject, which was most intimately connected with the prosperity of Ireland. Whether regarded in that light, or as a further step to an accelerated communication between England and America, it was most important that the adjudication should be the speediest, the safest, and the best that could be adopted.

Sir R. BULKELEY said, he had heard nothing from the right hon. Baronet the First Lord of the Admiralty which materially answered his observations. Before Easter he had moved for certain papers on the subject; on more than one occasion he had jogged the memory of the Secretary to the Admiralty, who said that the papers would not take five minutes to copy; but up to that moment they had not been produced.

Mr. COWPER said, that the papers referred to were in the hands of the printer; and if the hon. Baronet had waited till they were laid before the House, he would have been spared the trouble of making many of the observations which he had made.

Motion agreed to. Select Committee appointed.

The House adjourned at a Quarter after Eight o'clock.

HOUSE OF COMMONS,

Wednesday, May 8, 1850.

Minutes.] Public Bills.—2° Borough Gaols.

THE SUGAR QUESTION.

Mr. F. O'CONNOR said, that agreeing with the *Times* of that morning that "forewarned is forearmed," he begged to put a question to the Secretary of State for the Home Department, in order that all sides of the House might be "forearmed" with regard to the subject to which he was going to refer. He understood—though he did not say it, upon an authority which the right hon. Beronet could not contradict—that it was the intention of the noble Lord the Prime Minister to make the proposition of the hon. Member for South Essex (Sir E. Buxton) a question of confidence or no confidence in the Government. It was also rumoured that a message had been sent from Downing-street to the hon. Member for the West Riding, and the hon. Member for Manchester, requesting that they would not leave town for Manchester until after that question had been disposed of. He wished to give the right hon. Gentlemen an opportunity of stating whether these rumours were well founded.

Sir G. GREY was not sure that he quite understood the question of the hon. Gentleman. If the question was whether any private communication had passed between the noble Lord the First Minister of the Crown and certain Members of that House, that was a question upon which he could give the hon. Member no information. His noble Friend was not in the habit of communicating to him the contents of his private letters. He could only say that he had never heard of any communication of the kind referred to before. As to making the Motion of the hon. Member for South Essex a vote of confidence, he had not even heard the subject mooted.

DUBLIN CASTLE DEFAULTERS.

Mr. HUME would repeat the question which he intimated yesterday to the right hon. Gentleman the Secretary for Ireland, whether it was true that a public officer connected with Dublin Castle who had been intrusted with public money had decamped, the public loss thereby being very considerable? He (Mr. Hume) was quite ignorant of the case. He was only anxious, that, if unfounded, the rumour should be at once set at rest; and that, if it was unfortunately well-founded, the House should know the worst.

Sir W. SOMERVILLE was sorry he had been unable to answer the hon. Gentleman's question the day before; but he had thought it better to make the necessary inquiries first. He supposed his hon. Friend alluded to the case of Mr. Mathews, late clerk in the Chief Secretary's office, Dublin. The facts of that case were these: — The Paymaster of Civil Services in Ireland having brought to the notice of Government certain irregular transactions in which Mr. Mathews was engaged with respect to the distribution of what was called the "Concordatum Fund," Mr. Bromley, the Secretary of the Audit Board, was deputed to make inquiry into the facts of the case, and as it appeared from that investigation that Mr. Mathews had been guilty of fraud in the management of the "Concordatum Fund," a Treasury Commission was issued to investigate the whole transactions connected with the Government in which Mr. Mathews was engaged. That was the whole state of the case. He was happy to tell his hon. Friend, that, as yet, the ascertained amount of the fraud was very small, being only, as far as was known, about 20*l.*

Mr. GROGAN asked whether it was true that there was a second defaulter who had decamped from Dublin Castle?

Sir W. SOMERVILLE said, there was an investigation going on with reference to another gentleman, who was not, however, in the Chief Secretary's office; but he was not able to say what was the defalcation, if any, nor under what circumstances it had taken place. He knew that an inquiry was going on with regard to it, but he would rather not say any more on the subject at present.

Subject dropped.

THE IRISH FISHERIES BILL.

Order for Second Reading read.

Mr. C. ANSTEY, in moving the second reading of this Bill, said that he had received a number of suggestions for the amendment of the measure, and that, if he should succeed in having it read a second time, as he hoped he should, he intended to move that it be committed *pro formâ*, with the view of introducing several of these amendments, none of which, however, would affect the principle of the Bill. He begged to explain that the Bill had been prepared in deference to the report of the Committee which sat on the subject last Session, and of which he was chairman. It was not a Bill which, in his individual capacity, he would have proposed as absolutely the best, but he believed it was the best which the state of the law permitted, and the only one there was any chance of carrying under present circumstances. The report to which he had referred, after enumerating the Acts at present in force for the regulation of the Irish fisheries and navigation of Ireland, pointed out the chief deficiencies in them which required to be remedied by fresh legislation. The principal of these it traced to the ambiguity of phraseology with regard to the definition of what were public and private rights. This difficulty he proposed to remove by the present Bill. Another difficulty pointed out by the Committee was the want of sufficient penalties to enforce the provisions of the Act of 1842; the maximum penalty was not high enough to operate as an intimidation in some cases, and there was no minimum penalty at all to meet other cases. The Scotch law on the subject, which had been found to act most successfully, comprehended a maximum penalty, adequate to every purpose, and a minimum penalty; and he proposed the adoption of similar provisions in his own Bill. The Act of 1842 had repealed all the Acts which had been passed from time to time by the Parliaments of Ireland for the regulation of weirs, substituting only some provisions which, being altogether general and uniform in their nature, did not meet the circumstances of particular localities; and the result had been endless difficulties in the administration of justice respecting those obstructions. The Committee attributed the decline of fisheries and the decrease of fish in Ireland greatly to the solid weirs across fresh-water rivers, and proposed their abatement, giving compensation to the owners of such of them as could be proved to be legal weirs; and this recommendation he had adopted. The Committee further recommended that, for the settlement of disputes between parties, and between individuals and the public, a Commission should be appointed, permanent or otherwise, of the same character with that so satisfactorily established in England for the adjustment of tithes; and he had accordingly transcribed from the English Tithe Act, with merely the necessary alterations, the clauses which bore on the subject. He proposed to leave to the existing tribunals the powers which the Act of 1842 gave them in relation to prosecutions, the commission he contemplated having the power to act without any prosecution previously instituted. Mill weirs would not be affected by the Bill beyond the extent to which they were affected by the existing law. The Board of Works, which at present had the superintendence of fisheries in Ireland, had neither the leisure nor the staff adequate to the due execution of that duty. The present amount allowed for their superintendence was only 1,200*l.* per annum—an amount altogether below the requirements of so important a charge; and the Government tacitly admitted as much by expending upon the Scottish fisheries in some years not less than 14,000*l.* He did not ask that, because injustice was done to Ireland in this respect, justice should not be done to Scotland; what he desired was, that equal justice should be done to Ireland. Certain it was, that unless this justice was done, an industry that might be so beneficial to Ireland, and which was so intimately connected with the supply of food to her people, would wholly perish. For himself, he should prefer the re-enactment for all Ireland of the repealed Act of Henry VIII., which placed the fisheries in the charge of the mayors and other authorities in the various localities. But that would be objected to by the Government, and he was obliged to content himself with the machinery of the Act of 1842. It had been said that this Bill would interfere with private rights, but that statement he denied. It would provide, in a cheap and summary method, for the protection of public rights, and for the establishment of private rights, where such rights existed. If the House assented to the second reading of the Bill, he would be ready, before it went into Committee, to consider any suggestions that might be made to him for the amendcment of the measure, his simple object being to do justice to all classes.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. CONOLLY was not averse to some amendment of the present law on this subject, but he could not consent to the system proposed by this measure. The powers proposed to be conferred on the commissioners to be appointed under the Bill, were, in his opinion, as unconstitutional as they were unprecedented. He did not deny the necessity of some legislative interference with regard to fisheries, and was ready to promote, as far as was in his power, any salutary legislation; but he protested against any proposal of a tyrannical or oppressive character, especially when it invaded the rights of private individuals, who were utterly unable to defend themselves. The hon. and learned Member for Youghal had claimed great credit for bringing this measure forward; he had held himself up as the protector of the poor, and had said that the Bill would place food within the reach of people who were now debarred from it by monopoly. He (Mr. Conolly) believed, however, that if this measure, in its present form, became law, its effect would be to deprive of employment thousands of persons in Ireland. Some clauses of the Bill provided for the re-enactment of old laws, and to those he had no objection; but many of the new clauses were of a most tyrannical and unconstitutional nature. He complained of the inquisitorial powers which would be conferred upon the commissioners by the 10th clause, which gave them authority to inquire into details connected with the working of the fisheries. He denounced also the 60th and 68th clauses, empowering the commissioners to adjudicate upon complaints; and several other clauses of the Bill were most objectionable on account of the extensive and unconstitutional powers which they conferred upon the commissioners. One of the clauses provided that, under certain circumstances, persons should not be allowed to fish their own fisheries without permission in writing from the commissioners. Clause 71 empowered the commissioners to settle contested questions of title—questions upon which the judgments of the highest legal authorities had been over and over again reversed. Was it not monstrous that questions of such vast importance should be determined by a commission of three men, who might probably be wholly incompetent to give a legal opinion on such a subject? He thought the House would agree with him that this clause was altogether incompatible with the spirit of English jurisprudence. And he was sure the House would also agree with him that property in fisheries deserved the attention of Parliament as well as any other species of property; he confidently hoped, therefore, that they would see his objections to the Bill before them in a just light, and amongst those objections he might mention this, that when the commissioners under the Bill came to adjudicate upon any point, they were themselves the persons to confirm and carry out their own decisions. Then, as to the penalties which were imposed for contravening the proposed statute, there were two classes of persons liable, one of whom had nothing whatever to do with the matter, and very undue facilities were given in suing for the penalties—even the death of the party sued did not put an end to the suit, for his representatives would still remain liable. Further, the principle on which the preamble of the Bill had been founded, was a principle directly in opposition to the recommendations of that Committee over which the hon. and learned Gentleman himself presided, though the House had been told that the Bill before them was framed in exact accordance with the report of the Committee. Again, he objected to the measure under consideration on the ground that it was calculated to set up rights which yet had no existence, rather than to defend and fortify rights which were in being. It was also not unworthy of observation that the right to several fisheries in Ireland was now enjoyed by prescription; that those fisheries had always been possessed and sold like any other property. He hoped, then, that the House would meet those extraordinary enactments in the manner which the real necessities of the case seemed to require; and that they would not give their sanction to such an unconstitutional and tyrannical piece of legislation. He should give the Bill his decided opposition.

Amendment proposed, to leave out the word " now," and at the end of the Question to add the words " upon this day six months."

Question put, " That the word ' now' stand part of the Question."

Mr. SCULLY rose to support the Amendment on other grounds than even those which had already been put forward. He was sure that every one acquainted with Ireland would be ready to admit that the measure was of a nature likely to injure other interests in Ireland besides those which had been already referred to; he alluded more particularly to the mill interest; and he thought that anything which affected the millers ought to be received with much caution. The commissioners created under the Bill might sweep away all the weirs—they might interfere to almost any extent. In his opinion a short Act, consisting of only three or four clauses, might easily be introduced, amending the Act of 1842, so as to remedy many of the evils at present complained of. As to the destruction of fish, there was every reason to believe that that took place less frequently at the mouths of rivers than higher up, where the spawn and the young fish were not properly preserved. Sufficient time had not yet been given to test the working of the old Act, and he had received letters stating that the conservators had been of the greatest service in preventing the destruction of spawn and fry. It would be better to withdraw the Bill, and to bring in a short simple Act, which would meet all objections.

Lord NAAS said, there could be no doubt the opinion of the Committee last year was, that the state of the law in Ireland relating to fisheries was so contradictory, that a consolidation of the various Fishery Acts was absolutely necessary. As every clause of the present Bill, with some few exceptions, had such a consolidation in view, the House would be only acting in accordance with the views of their Committee in allowing the second reading. With regard to the objection that the commissioners would be vested with too much power, he could only say that the Committee thought the commissioners should at least have the power of enforcing legal decisions obtained from courts of justice. The great evil complained of was, that in many cases weirs and engines which had by decisions in courts of law been declared illegal, had been re-erected, and were now in full operation. The milling interest of Ireland was much more important than the fishery interest, and no one could be more anxious than he was to protect it; but he could not admit the Bill would operate prejudicially with regard to the mills on fishing rivers. So far from wishing to support any measure that would interfere in the slightest degree with that branch of industry, he (Lord Naas) was prepared to consider in Committee, whether any further advantages might not be offered to that important interest. He deeply regretted, that any misunderstanding on this point should exist; and he was sure that if this Bill was allowed to go into Committee, the millers of Ireland would find that the promoters of the measure were anxious to do all in their power to further their wishes. He hoped they would consent to the second reading, and then refer the Bill to a Select Committee, which was the only tribunal that could do justice and satisfy all parties.

Colonel DUNNE would support the Bill: he said there was a pressing and immediate necessity for some measure to consolidate the existing laws. and prevent the confusion of conflicting decisions. The right hon. Baronet the Secretary for Ireland, on bringing in what was commonly called " The Rod Act" last year, admitted that further legislation was necessary, and it was to be hoped he would lend his assistance to the present measure. He (Colonel Dunne) objected to interference with vested rights in Ireland, but at the same time did not wish to see those rights unnecessarily extended, and the rights of the public diminished. The Bill before the House interfered less with the milling interest than any former measure, and the House ought at least to allow a Committee to decide upon it.

Mr. NAPIER said, the reason he objected to sending the Bill to a Committee was, that what was good in it was not new, and what was new was not good. In 1842 an Act was passed to consolidate the Acts then existing, and to settle the doubts then expressed as to the state of the law. They were now called upon to pass an Act to consolidate laws that had been consolidated already, and to explain doubts which had long ago been set at rest. Was it wise or right before ten years had passed away to sweep off the Statute-book a measure which was calculated to define the state of the law, and thus to revive all the doubts and difficulties which had been settled and determined? They talked of giving a Parliamentary title to property; but if the House acted in that way, any title would be preferable to one resting on an Act of Parliament. People in Ireland had said to him, "For God's sake, do get the Legislature to leave us alone." Their legislation on Irish property was one continual scene of clipping, altering, and changing—consolidating Acts now, explaining them then, then separating them, and then consolidating them all over again—thus continually directing the minds of the people to look to Parliament instead of teaching them to rely on their own exertions. Where were the doubts to be resolved? He knew of none. The Act of 1842 was as plain as words could make it. He had a very great dislike to give extensive powers to commissioners. In Ireland the practice was particularly objectionable, as the exercise of such large and arbitrary authority had an injurious effect on the minds of the people.

Mr. W. FAGAN, in the hope that the Bill now under discussion would be referred to a Select Committee, as suggested by the noble Lord the Member for Kildare, would vote for the second reading, for the purpose of showing his approval of the object the hon. and learned Member for Youghal had in view, namely, to increase and protect salmon fisheries in Ireland—and of expressing his opinion in that manner, that some amended legislation was necessary to preserve these fisheries; and, lastly, for the purpose of testifying his sense of the energy and ability which the hon. and learned Member for Youghal had exhibited, not only in framing the Bill now before the House, but also as Chairman of the Committee of last Session, when he conducted with untiring zeal and perseverance the inquiry into the various questions which came before that Committee. He (Mr. Fagan) must, however, say, that in its present shape he was as much opposed to the Bill as his hon. Friend the Member for Tipperary. It was too cumbrous, in his opinion, to work advantageously; but it should be recollected that the hon. and learned Member for Youghal was not responsible for that. He was obliged by the vote of the Select Committee to embarrass himself by undertaking to consolidate the existing Acts; and here he would say in reply to a remark made by the hon. and learned Member for Dublin University, that the Bill was not a consolidation of the 5th and 6th of Victoria, which was itself a consolidation of former statutes, but it embraced the provisions of six other and distinct Acts which were passed since 1842. But, in consolidating these Acts, the hon. and learned Member for Youghal did himself injustice in adhering too strictly to what he would call the almost unconstitutional provisions of these statutes. It was true that he rather diminished than increased the powers given by these Acts to the Board of Works; but still they were in the present Bill too despotic and indefinite; and his hon. and learned Friend should recollect these powers were, by his Bill, to be given to a new fishery commission and not to the Board of Works, who were under the control of the Treasury, and were responsible in every particular. The Bill also, in its present form, was a Bill of pains and penalties, which, taken in connexion with the despotic powers given to the commissioners, would not be tolerated in Ireland. But before all, and above all, he (Mr. Fagan) was opposed to the clauses which affected the milling interest in Ireland. Milling was almost the only interest now left to that country, and it was his duty in every way in his power to protect and sustain it; and it was because he was persuaded that these clauses would be modified by a Select Committee that he voted for the second reading. The Bill, it should be recollected, made no alteration in the existing law as regarded mill weirs; but these enactments, as the hon. and learned Member for Youghal had stated, were never enforced by the Government—clearly, thereby, showing that they were injurious—and, therefore, he was surprised they were introduced in that Bill in their integrity. He was not, however, sorry it was done, because it will enable Parliament to repeal the existing law in that respect, provided the Bill is allowed to go into Committee. If it is to be rejected on second reading, then the existing enactments relating to mill weirs remained in force, and it is on that account as a friend of the milling interest he was for the second reading in order that in Committee he might get rid of these objectionable provisions. With these exceptions he was in favour of the Bill. Year after year the salmon fisheries in Ireland are diminishing by reason of defective legislation. To increase these fisheries, and thus increase employment to the labouring class occupied in salmon fishery, was his main object in supporting the Bill. It gave greater facilities to the poor man for earning a livelihood, while it diminished the taxation to which he was subject by a late Act, and, at the same time, raised the taxation on the rich weir owners. This appeared to be the chief objection taken to it by the hon. and learned Member for Dublin University, who seemed to be for protecting the rich proprietors; while his hon. and learned Friend the Member for Youghal, by his Bill, was in favour of extending the benefits of a good fishery law to the poor. For these reasons he would support the second reading, reserving for himself the right of objecting to the whole Bill on the third reading, if the provisions to which he referred were not considerably modified and altered.

Mr. GROGAN considered that some measure was necessary; and though he could not support the Bill in its present shape, he thought it should he referred to a Select Committee upstairs, fairly and impartially selected, with ample power to examine and arrange its provisions. That would be the way to have unanimity on the subject, and to ensure the passing of a Bill this Session that would protect the real interests of the country.

Mr. S. CRAWFORD opposed the Bill, which proposed to create three commissioners—a triumvirate—with most arbitrary powers. He referred particularly to the 14th clause, which he considered would place in great danger the interests of the millowners. He felt it his duty to support the Amendment.

Mr. O'FLAHERTY supported the second reading, with a view to have the measure referred to a Select Committee.

Sir W. SOMERVILLE said, he had always acknowledged the importance of an extension and preservation of the fisheries of Ireland in a national point of view, and he thought the question was one well worthy of the consideration of Parliament. But he had not been able to discover that one single Gentleman who had supported the second reading approved of this Bill. They wished to send it to a Select Committee, but it was with a view to throw out the principal clauses. The opinion had been generally expressed that some further legislation was necessary. But what was the best mode of proceeding? Was it by sending a Bill of 180 clauses to a Select Committee, to be returned by them to this House, or by a withdrawal of the present Bill, and the introduction of another measure containing such provisions as appeared to meet with the approbation of the House? The latter course was, he thought, more convenient, as it was certainly more consistent with Parliamentary usage. He trusted that the hon. and learned Gentleman would withdraw the Bill, because he should with reluctance vote against a Bill containing clauses of which he approved, believing, as he did, also, that some legislation was necessary on this subject. If another Bill such as he had described were introduced, he should have much pleasure in supporting it, so that it might effect those necessary amendments in the law which were required.

Mr. M. O'CONNELL would remind the right hon. Baronet that if he opposed every Bill on which there was a difference of opinion, he would never agree to any Bill. He thought that many of the provisions of this Bill were exceedingly useful; what was wanting in Ireland was to have all the measures on this subject comprised in one Act; this Bill proposed to do so, and with some alteration would effect that object. He should remind the House that they had omitted from their legislation one branch of the fisheries that was open to every man—he alluded to the sea fisheries. He hoped that either the Government or some independent Member of the House would take up the question, and in the course of next Session introduce some measure that would be for the advantage of that great and important branch of their fisheries.

Mr. C. ANSTEY, in reply, stated that he had no objection to the Bill being sent before a Select Committee, but would persist in his Motion for a second reading.

The House divided:—Ayes 37; Noes 197: Majority 160.

List of the AYES.

Arkwright, G.
Blake, M. J.
Castlereagh, Visct.
Chatterton, Col.
Dunne, Col.
Ellice, E.
Fagan, W.
Fellowes, E.
Forster, M.
French, F.
Frewen, C. H.
Fuller, A. E.
Grace, O. D. J.
Grogan, E.
Gwyn, H.
Hall, Sir B.
Hastie, A.
Herbert, H. A.
Hood, Sir A.
Hornby, J.
Hutchins, E. J.
Lacy, H. C.
Lawless, hon. C.
Macnaghten, Sir E.
M'Cullagh, W. T.
M'Taggart, Sir J.
Mahon, The O'Gorman
O'Brien, Sir L.
O'Connell, M.
O'Connell, M. J.
O'Flaherty, A.
Pechell, Sir G. B.
Prime, R.
Rushout, Capt.
Stafford, A.
Stanford, J. F.
Wawn, J. T.

TELLERS.

Anstey, C.
Naas, Lord.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for Six Months.

EXTRA MURAL INTERMENTS BILL.

Order for the Second Reading read.

MR. LACY rose to move the Second Reading of the Extra Mural Interments Bill, which, he was satisfied, embodied the best mode of securing interments without the metropolis that could at present be adopted. He was convinced that the most effectual way of taking the dead out of town 20 or 30 miles was to do it through the medium of railways. If they adopted the ordinary hearse conveyances they could go only a few miles, and in a short time it would be found that they had a belt of graveyards surrounding the metropolis; whereas if they went out 20 or 30 miles, they would only be spots here and there. He was of opinion that every person ought to have a grave for himself, and one acre of land would not contain more than 1,500 corpses. If 60,000 corpses a-year were to be taken from London—and that would soon be the average—not less than 40 acres of land would be required annually. Only let the House consider, if this was the case, what, in a few years, would be the difficulties experienced with regard to land. The Bill proposed by the right hon. Baronet the Home Secretary had for its object to carry out the recommendations of the report issued by the Board of Health; but he (Mr. Lacy) thought it would not be difficult to show the utter impracticability of the plan proposed by the board. Their report pointed to a great national cemetery down the river, including Abbeywood, Belvidere-park, &c., amounting in all to 400 acres; but that extent of burying ground would not serve for more than 10 years; and in the course of 100 years, about 4,000 acres of land would be required. Then it was proposed to take all the bodies in vessels down the river; and the report spoke of this mode of conveyance as superior on account of the quietude of the waters. Now, he contended, that it would very often be impossible to preserve that order and decorum on board a boat which was desirable on such solemn occasions. Such a plan he conceived to be quite impracticable; and in opposition to the statement of the water being the must quiet mode of conveyance, he needed only refer to the crowded state of the river, and the numerous pleasure parties with bands of music which were constantly upon it. What would be the feeling of these mourners and attendants on the 40 or 50 corpses borne on a steamer down the river on going by or meeting these pleasure parties? Such a mode of conveyance was not comparable to that of the railway train. The report of the Board of Health Commissioners stated that a singularly eligible site for a cemetery had been found at a sufficient distance from any town or village (meaning Abbeywood), and which rose by a gentle ascent from the bank. He was able to state, however, that, before they could approach the site from the river, a considerable quantity of marsh, full a mile and a half, intervened, and the other ground was so broken that it would be almost impossible to carry bodies over it. The report stated that the water was not got but at a depth of 270 feet; but that was a mistake; for he could show, on the authority of Mr. Barlow and other eminent engineers, that water was constantly flowing out of the hill, under such circumstances as proved that it could not be at such a depth, and that it did so to the extent of 1,500,000 gallons daily. His proposal was that, under certain limitations, railway companies should be allowed to purchase waste lands, and on those lands to establish cemeteries. He was aware that some persons might be ready to characterise this as merely a railway job; but he was not instigated by any one, and he was not disposed to pay much attention to such remarks. He had been a humble promoter of the railway system, and had assisted in bringing it to its present height; and though he had lost a good deal, yet he did not regret it. He thought that advantage ought to be taken of this great system for burying the dead; and as the report referred to the subject of railway transit, as though collisions were frequent, he might mention that during the last six months, 35,000,000 of people had each had a journey by railway, and all of them came back with their lives safe—the only casualties being a limb or so broken. When he first brought forward this Bill, he had no idea that any measure would have been introduced by the Government on the subject. He had introduced a clause into the Bill to refer it to the Railway Commissioners to determine whether such lands as might have been sought to be purchased by the directors should or should not be taken for the purposes of a cemetery. The system suggested by the Government would impose a higher charge upon parties who had to bury a poor man than if his Bill were adopted, when a much lower charge would be made. The Bill proposed by the Government applied only to the metropolis; but his Bill had reference to the whole of the kingdom. Upwards of 200 towns had asked to be placed under sanitary regulations; that showed that something was wanting in the country. He would ask the House to let this Bill be read a second time, and be referred to a Select Committee, together with the Bill of the right hon. Baronet the Secretary for the Home Department, in order to see whether any good could be made out of the two. The scheme of the Government suggested that a poor man might be buried for fifty shillings, but he calculated that it might be done for 1*l.*

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. Alderman SIDNEY seconded the Motion. The measure which had been introduced by the Government on this subject was open to many objections, and he certainly preferred the course which was recommended by his hon. Friend. The enormous expense which would be incurred by the plan proposed by Government, was a strong objection to its being adopted. If any measure of this kind were to be made the subject of legislation, it would be imperative on the Government to avail itself of railway conveyance. He strongly objected to the provision which made the payment of any deficiency attending the Government measure to be provided for out of the poor-rates. He did not presume that the Bill of his hon. Friend was perfect; but he hoped it would be made so by its being referred to a Committee together with the Government measure.

Mr. LABOUCHERE entertained the strongest objection to the second reading of this Bill. The hon. Gentleman the Member for Bodmin had criticised the report of the Board of Health; but as another opportunity would be afforded for discussing that subject, as well as the measure which had been proposed by his right hon. Friend the Home Secretary, he would not now touch upon either of those topics. The question at present before the House was, whether the Bill of his hon. Friend the Member for Bodmin should be read a second time. Now, that Bill appeared to him (Mr. Labouchere) to involve a principle which made it impossible for the House to accede to it. Even if the House agreed in opinion with the hon. Gentleman that the Bill introduced by the Secretary of State for the Home Department ought not to be sanctioned, he (Mr. Labouchere) should still object to the present Bill. The Bill empowered railway companies, with the sanction of the Railway Commissioners, to undertake and conduct the business heretofore carried on by cemetery companies. He would not enter into a discussion of the sanitary branch of the subject; but this he would say, that it was contrary to all principle to allow railway companies to embark in any description of traffic different from that which was the real and legitimate object of such companies. Even the transmission of passengers by steamboats was considered a departure from the proper functions of a railway company; it was impossible, therefore, to allow such a company to perform all the duties of a cemetery company. He felt, therefore, bound to oppose the second reading of the Bill. He might just observe that, in all his consultations with persons connected with railways—including railway directors—he had not met with any one who did not altogether repudiate such a measure as this. He should, therefore, move that the Bill be read a second time that day six months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day Six Months."

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 4; Noes 123; Majority 119.

List of the AYES.

Blair, S.	TELLERS.
Macnaghten, Sir E.	Lacy, H. C.
O'Connor, F.	Sidney, Mr. Ald.
Stanford, J. F.	

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for Six Months.

The House adjourned at One Minute before Six o'clock.

HOUSE OF COMMONS,

Thursday, May 9, 1850.

MINUTES.] PUBLIC BILLS.—2° Fees (Court of Chancery); Weights and Measures.

Reported.—Police and Improvement (Scotland); Court of Session (Scotland); Railways Abandonment; Elections (Ireland).

3° Benefices in Plurality.

DRAINAGE—(IRELAND).

MAJOR BLACKALL begged to ask the right hon. Gentleman the Chancellor of the Exchequer when it was the intention of the Government to proceed with the Drainage Advances for Ireland Bill? whether, in the meantime, orders have been issued to the Board of Works to proceed with the drainage works already commenced; and, also, whether it was the intention of the Government to propose any extension of the purposes to which money borrowed for the improvement of landed property in Ireland may be applied?

The CHANCELLOR OF THE EXCHEQUER said, in reply to the first question, that the Bill was quite ready, and would have been laid upon the table if there had been any prospect of proceeding with it, but the time of the House was, at present, pretty fully occupied. With regard to the second question, he was not authorised to make any of the advances proposed to be sanctioned by that Bill until the Bill had passed; but the balance in hand would be applied to the continuance of works, so far as it went. In reply to the last question, he might state that he intended to propose that money borrowed for the improvement of landed property, both in Great Britain and Ireland, might be applied to farm buildings. He must say that he had some doubts as to the propriety of this measure, and he believed there would be very great practical difficulties in carrying it out. He thought, however, that the question ought to be settled by the House, and he would make the proposal in the Bill, in order that the subject might be fairly and fully discussed.

COLONEL RAWDON inquired whether the Bill would apply to flax-mills, because it was most important to encourage the growth of flax in Ireland?

The CHANCELLOR OF THE EXCHEQUER said, that was a point on which he must decline to give an opinion at present, but which might be fitly considered in Committee on the Bill.

MR. OSWALD asked if there was any objection to lay the Bill on the table at once?

The CHANCELLOR OF THE EXCHEQUER said, the Bill was a mere repetition of the clauses of former Bills. He had made some corrections and alterations in the Bill only an hour ago, and he hoped to lay it on the table in a day or two.

Subject dropped.

RAILWAY COMPANIES AND THE PUBLIC.

MR. HUME said, he rose to put a question to the right hon. Home Secretary which related to a matter of considerable importance to the public. A short time ago, two persons took third-class tickets at one of the stations on the Eastern Counties Railway. When the train came up, there was no room in the third-class carriages, and an officer of the company directed them to take their seats in a second-class carriage. The passengers hesitated, but the officer told them to get into the carriage, and they accordingly did so. When they arrived in London they were asked for their tickets, and, on producing the third-class tickets, they were told they must pay the difference between the second and third-class fare. They refused to do so, explaining that they had been placed in a second-class carriage by an officer of the company. They were then taken in charge by a constable, and were locked up until the arrival of the superintendent, who, instead of dismissing them, directed them to be taken before a magistrate. The magistrate, on hearing the complaint, at once dismissed it. One of the parties, Mr. Gay, had since brought an action for false imprisonment against the company. The case was tried, and the jury returned a verdict that the company were liable for the acts of their servant; but they were directed by the Judge to reconsider that verdict. He, therefore, wished to ask the right hon. Gentleman whether the attention of the Government had been drawn to the recent charge of Baron Alderson to the jury in the case of "Gay against the Eastern Counties Railway Company," and whether it was the intention of the Government to introduce any measure for the protection of the public against the misconduct of those acting in the employ of railway companies?

Sir G. GREY said, that without professing to be very accurately informed as to the particulars of the case to which his attention had been called, he believed the facts stated by the hon. Gentleman were substantially correct. A person named Gay brought an action against the Eastern Counties Railway Company for an alleged illegal imprisonment by the servant or servants of that company. He was advised—and he spoke under the correction of hon. Friends of his learned in the law—that it had long been the settled rule of law, that when a servant wilfully did an illegal act in the course of his employment, the master was not liable, unless there was evidence to show that such act had been done by his authority or with his consent. The case, he believed, resolved itself into this, that the plaintiff had brought his action against the wrong party; that he had proceeded against the company instead of against their servant. He could only say, in reply to the hon. Gentleman's question, that the Government had no intention of altering the long-settled rule of law by which the liability of masters for the acts of their servants was determined.

ROMAN CATHOLIC WITNESSES.

Mr. R. M. FOX rose to put a question to the Chief Secretary of State for the Home Department. On Tuesday last at the Clerkenwell Police Court a man of the name of Reardon was put into the witness box. The New Testament was handed to him, but before he was sworn the officer of the court, after ascertaining that he was a Roman Catholic, told him to make the sign of the cross. Reardon refused, stating that it was an insult to him to ask him to do so, as it implied that unless he first made the sign he would not consider his oath on the Evangelists binding. Mr. Combe, the presiding magistrate, then took up the matter, and said he had never before known a Roman Catholic witness refuse to make the sign of the cross before being sworn. Reardon still refused, and Mr. Combe said, that if a Roman Catholic priest were present, he would say that unless he first made the sign of the cross, a Roman Catholic would not consider himself bound by his oath on the Evangelists to tell the truth. Rearden persisted, and was sworn without making the sign. His evidence contradicted that of witnesses on the opposite side. Mr. Combe said, he would believe the other witnesses in preference to him (Reardon). The latter asked Mr. Combe if he meant to say that he (Reardon) was a perjured man? Mr. Combe distinctly told him, twice over, that he was so. He (Mr. Fox) wished to know what notice Her Majesty's Secretary of State meant to take of this extraordinary proceeding?

Sir G. GREY said, that his attention having been called by his noble Friend the Member for Arundel to the report in the *Times* newspaper of the proceedings at the Clerkenwell Court in the case referred to, he directed a letter to be written to Mr. Combe requesting any explanation or observations he might wish to make with regard to it. Mr. Combe stated, in reply, that the report in the *Times* newspaper was generally accurate. The witness named Reardon was asked by the office-keeper to cross himself before he was sworn, according to what appeared to be the usual practice at that court; and Mr. Combe stated that in some instances he had known Catholic parties insisting upon Catholic witnesses being required to cross themselves, because otherwise the witnesses would not consider the oath to be binding. In this case, on the witness saying that the oath would be binding without his crossing himself, it was administered; and Mr. Combe added, that the opinion he afterwards expressed as to the credit due to him was not on the ground of his refusal to cross himself. He (Sir G. Grey) must, however, say that the practice was one of which he never before heard; and that, having now inquired of several persons well informed on the subject, it appeared to be clear that, although in frequent instances Roman Catholic witnesses among the lowest classes voluntarily crossed themselves before they were sworn, not the slightest right existed to require them to do so, and that the practice of requiring them to do so was wholly unknown in the ordinary courts both in this country and in Ireland, and he (Sir G. Grey) believed it did not exist in any other of the metropolitan police courts. This opinion had been communicated to Mr. Combe, and he had been informed that the practice should be forthwith discontinued at the Clerkenwell Court.

POLICE AND IMPROVEMENT (SCOTLAND) BILL.

Order for Committee read.

MR. HUME said, the Bill, which contained no fewer than 377 clauses, had only been delivered that day. The Lord Advocate had, however, paid great attention to the suggestions that had been made to him, and he (Mr. Hume) believed that all the material objections raised against the Bill had been removed. It was not, therefore, his intention to offer any obstacle to the progress of the measure.

MR. COWAN hoped the Government would not think it necessary to proceed with the Public Health (Scotland) Bill, because he believed this Bill would carry out sanitary measures very efficiently, and would be generally acceptable to the country.

The LORD ADVOCATE said, he would not proceed with the Public Health Bill to-night, and that ample notice would be given of the intention of the Government with regard to that measure. The Bill was not intended to supersede private Acts, but those towns which had private Acts would be enabled to place themselves under the operation of this measure.

House in Committee.

Clauses 1 to 60 were agreed to, with some verbal amendments.

Clause 61 was agreed to, with an Amendment in the proviso as to the maximum assessment in any year. The Committee raised the limit from *2s.* in the pound to *2s. 6d.* where the enactments of the Act with respect to water are adopted, leaving the limit still at *1s. 6d.* where they are not.

The remaining clauses of the Bill were then agreed to; and three new clauses added.

MR. C. ANSTEY said, one could not help congratulating the Committee, and especially the Members from Scotland, on the wonderful despatch and unanimity with which a Bill, consisting of not fewer than 380 clauses had been disposed of; and he begged to say that he thought the Committee had that night effaced all memory of the evil precedent of yesterday.

MR. HUME hoped that every Bill would come into the House equally well considered beforehand. The hon. and learned Lord Advocate, by the great attention he had paid to the suggestions offered him, had saved a vast deal of time to the House, and had also completed a very satisfactory measure.

House resumed.

Bill reported; as amended, to be considered to-morrow.

RAILWAYS ABANDONMENT BILL.

Order for Committee read.

House in Committee.

Clauses 1 to 9 agreed to.

On Clause 10,

MAJOR BERESFORD said, that this clause gave the Railway Commissioners power to annul the resolutions which any meeting of shareholders might adopt. This was a most extraordinary power to vest in the Commissioners, and he would divide the Committee on it.

The SOLICITOR GENERAL said, the clause was not in the Bill originally, but was introduced when the Bill was in Committee in the other House. In his opinion the clause was not of much importance; but he hoped the hon. and gallant Member would not divide upon it.

MR. LABOUCHERE admitted that the power conferred by the clause was an unusual one, but the Bill proceeded entirely on the principle of vesting a large discretionary authority in the Railway Commissioners.

MR. DISRAELI thought the power given to the Commissioners by this clause was of a most arbitrary character.

MR. LABOUCHERE suggesed that the clause might be amended by merely giving the Commissioners power to direct, when they deemed it necessary, that a fresh meeting of shareholders should take place.

MAJOR BERESFORD assented to this suggestion; and

The clause, as amended, agreed to.

The succeeding clauses up to 27 were agreed to.

On Clause 28,

MR. COWAN stated that, although the clause required certain advertisments to be published in in the *Edinburgh Gazette*, yet the Bill itself did not apply to Scotland any more than the Winding-up Act. It was desirable that it should.

The SOLICITOR GENERAL was apprehensive that the machinery of the Scotch courts would not tally exactly with the arrangements of the Bill. But he would consult the Lord Advocate with the view of ascertaining whether the Bill could be applied to Scotland.

Remaining clauses agreed to.

House resumed.

Bill reported; as amended, to be considered on Monday next.

ELECTIONS (IRELAND) BILL.

Order for Committee read.

House in Committee.

Mr. M. O'CONNELL moved, pursuant to notice, the insertion in Clause 1 of the words, "And that at all such elections in future the votes be taken by way of ballot." Every one acquainted with elections in Ireland knew, that though bribery, for some reason or other, did not prominently characterise them, intimidation was practised at them to an extent very materially impeding the proper exercise of that franchise which after so many centuries of denial had in late years been granted to the Irish people. The ballot was denounced here as being cowardly, unmanly, unworthy of freemen; and in a country where the people had been for ages past encouraged in the theory of their sturdy independence, the argument might seem to have some weight. In England, however, that argument had been repudiated by large minorities in the House of Commons, and by very large numbers of electors out of it. Failing thus in England, it most utterly failed in Ireland, whose people had, from their first connexion with this country up to a very late period, been debarred from any franchise whatever, and been treated as altogether unworthy of it. Even when a Reform Bill was extended to them, it was one quite of a Conservative nature, keeping the people almost as completely as ever under the power of their political opponents. An important step, however, one for which he was deeply grateful, was now being made towards the just regulation of the system, towards giving Ireland a reasonable franchise; and he trusted that the Committee would not refuse to accompany that franchise with the protection so essential to its fitting exercise. The voter in Ireland had to choose between his purse and his conscience—

The CHAIRMAN said, he was unwilling to interrupt the course of any Motion, but he must beg to express to the hon. and learned Gentleman his opinion that the Motion which he (the Chairman) found the hon. and learned Member was about to propose, did not come at all within the scope of the Bill under discussion, which was "A Bill to Shorten the Duration of Elections in Ireland, and for establishing additional places for taking the poll thereat;" whereas the Motion of the hon. and learned Member had reference to the mode of taking votes, and could not be admitted as within the scope of the Bill.

Mr. M. O'CONNELL said, he did not much like to be thrown over in such a manner; but, of course, if the hon. Gentleman in the chair decided against his proceeding with the Motion, he should at once submit. He begged, however, to observe, that when he first contemplated to bring the matter forward, it was his intention to propose his clause as an Amendment on the Irish Parliamentary Voters Bill; but then he was told he could not introduce it into that Bill, and that the present Bill would afford the fitting occasion. His Motion had been for sometime on the Paper, and he really thought the objection now started ought to have been communicated to him before. However, he was in the hands of the Chairman.

The CHAIRMAN had had no communication with the hon. and learned Member as to the fitting occasion on which to propose the Motion.

Mr. AGLIONBY said, no doubt the rule propounded from the chair was quite clear; the course for the hon. and learned Gentleman to pursue, however, was equally clear; all he had to do was to withdraw his Motion, of which he (Mr. Aglionby) entirely approved in itself, and which he should cordially support, both as an act of justice towards Ireland, and as a valuable precedent for England, and to propose it again on the third reading as a separate clause. The Bill, if so amended, would then have to be put from the chair "as a Bill to shorten the duration of elections in Ireland, for establishing additional places for taking the poll thereat, and for taking the votes thereat by way of ballot."

Mr. HUME hoped the hon. and learned Gentleman would adopt the course suggested by the hon. and learned Member for Cockermouth, and upon the House resuming give notice of the clause as a separate clause to be proposed on the third reading. The House would then have full notice of what was intended; and all who desired to give this most necessary protection to the people of Ireland would, he trusted, be in their places when the occasion arrived for recording their votes.

Mr. H. BERKELEY cordially thanked the hon. and learned Member for Tralee or bringing forward this proposition; it would have been disgraceful to the Irish representatives, if not one of them had been found prepared to assert the right of the electors of Ireland to protection; and he trusted that all friends to the principle would be present in the House when the Motion should be made.

The O'GORMAN MAHON fully concurred in the hope that his hon. and learned Friend would give the notice suggested, so that all the Irish representatives might have the opportunity of rallying for the protection of the Irish constituencies, and for the benefit, ultimately, of the electors of England.

Mr. M. O'CONNELL had certainly not consulted the hon. Gentleman in the chair upon the point; but, on the other hand, the objection had not seemed to strike the hon. Gentleman until he (Mr. M. O'Connell) had made some progress in his observations introductory of the Motion. The Government, as all other parties ought to be, had been quite aware that the Motion was on the books; he himself had been in attendance every evening watching the Bill; and he must repeat his feeling, that it would have been more courteous to him had he been informed that this special demurrer would be started. As it was, he should adopt the course suggested.

The CHAIRMAN had really not been aware of the scope of the hon. and learned Gentleman's Motion; indeed, he had so many things before him, that he had not had time to notice it at all.

Clauses 1 to 21 were agreed to.

On Clause 22,

Major BLACKALL moved the omission of that part of the clause that related to the division of a barony.

Amendment proposed, page 9, line 38, to leave out the words, "but so as to divide any barony or half barony."

Lord C. HAMILTON said, that the clause proposed to give powers to the Lord Lieutenant; the office might be abolished.

Sir W. SOMERVILLE apprehended that in that case the duties of the Lord Lieutenant would devolve by statute upon some other functionary.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee divided:—Ayes 157; Noes 44: Majority 113.

Lord NAAS then opposed the whole clause, because it was different to the provision of the English Act. It was desirable to assimilate the laws of the two countries as much as possible, and he objected most strongly to leaving such power in the hands of the Lord Lieutenant.

Mr. S. CRAWFORD agreed entirely with the noble Lord. If the Executive Government could alter the polling place as they pleased, the elections would be virtually in their hands.

Sir G. GREY explained that his attention had not been particularly directed to the clause. As the principle of the Bill certainly was to assimilate the law of Ireland to the law of England, it would be better to leave out the clause, and introduce a new clause with similar provisions to the English Act. If the noble Lord had prepared any such clause, perhaps it could be introduced then.

Lord NAAS said, he would sooner leave it in the hands of the Government; and the clause was struck out.

Remaining clauses agreed to.

House resumed.

Bill reported; as amended, to be considered To-morrow.

FACTORIES BILL.

Order for Committee read.

Lord J. MANNERS thought it would be for the convenience of the House that he should state the course which he intended to pursue with reference to this measure. He did not propose to make any statement on the present position of the Bill, but he agreed with his noble Friend who had hitherto taken charge of the measure, and who had announced his intentions publicly, though not as yet to that House, that the framework of the proposition brought forward by Her Majesty's Ministers was more likely to produce a beneficial result than the framework of the measure which he and his noble Friend had introduced. Thus far he agreed with his noble Friend, and he was prepared to accept, with him, the machinery by which Her Majesty's Government proposed to carry out the object they had in view. But beyond that his concurrence with his noble Friend did not go, and therefore, on the bringing up of the report, he would move that "half-past five" be substituted for "six o'clock" in the evening—an alteration which, in point of fact, would make the proposal of the Government an effective Ten Hours Bill. He would say no more than that he conceived the honour of that House and the rights of the people were concerned in passing an effective Ten Hours Bill.

Mr. AGLIONBY appealed to the right hon. Gentleman the Home Secretary whether they might not go into Committee that night, *pro formâ*, and take the discussion of the clause proposed by the Government on the report?

Sir G. GREY said, the Bill was not under his charge; and, as the noble Lord the Member for Bath had gone away after expressing a wish that it should be left over till Monday, he did not think they would be justified in taking it up.

Committee deferred till Monday next.

MEDICAL APPOINTMENTS (INDIA).

Mr. GROGAN begged to move for a return of the names of all persons appointed, or recommended for appointment, by the President of the Board of Control, to any medical situation in the East Indies.

Motion made, and Question proposed—

"That there be laid before this House, a Return of the names of all persons appointed, or recommended for appointment, by the President of the Board of Control, to any Medical or Surgical situation or office in the East Indies, since the first day of January, 1832, down to the present time, specifying the places to which such appointments were made, the dates thereof, and the salaries and emoluments attached thereto respectively."

Sir J. C. HOBHOUSE opposed the Motion, as being one of a very objectionable and invidious character. A similar return was moved for by the hon. Member for Carlow on the 16th of April, and on a division it was rejected by 53 against 23 votes. That return, indeed, extended to every description of appointment excepting the judges of the courts of law in India. Why the President of the Board of Control should be so particularly pointed out for this exhibition, as if he had done something worse than any other Minister of the Crown in the dispensation of patronage, he could not understand. As far as he was himself concerned, he could say that the distribution of patronage was just the most disagreeable thing that attached to the office he held.

Mr. GROGAN did not intend to cast the slightest imputation on the manner in which the right hon. Gentleman had dispensed his patronage. He had made the Motion at the request of the medical profession in Ireland, among whom there prevailed a suspicion that they were not fairly dealt with in respect to the appointments in India.

Lord NAAS could confirm the statement of his hon. Friend, that the medical profession in Ireland felt themselves aggrieved in this matter; and the return now asked for would show whether their opinion was well founded or not.

Sir J. C. HOBHOUSE had omitted to mention that, after all, the appointments put in his hands as President of the Board of Control were only two in each year, for, in point of fact, it was the East India Company who made the appointments, he only having the power of recommending the parties to the Company.

Sir G. GREY could not understand why the return should be confined to the medical appointments. It might, with as much reason, be extended to the whole patronage exercised by the East India Company.

Mr. GROGAN, though not satisfied with the explanations given, would withdraw the Motion.

Motion, by leave, withdrawn.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, May 10, 1850.

Minutes.—*Sat first*, The Earl of Macclesfield, after the death of his Father.

Public Bills.—1ª Prussian Minister's Residence; Distress for Rent (Ireland); Benefices in Plurality.

THE CASE OF MR. RYLAND.

The Duke of ARGYLL then rose to draw the attention of their Lordships a second time to the case of Mr. George Herman Ryland, late Clerk of the Executive Council of Canada, as set forth in a petition presented to their Lordships' House on the 8th of June, 1849, and as further set forth in addresses voted to Her Majesty by the Legislative Assembly and by the Legislative Council of Canada in 1846. It was only necessary to make a simple narrative of the facts, for the purpose of showing the hardship and injustice to which this gentleman had been subjected. He regretted that the task had not fallen into other hands; for it was entirely owing to accidental circumstances that the case had not been brought forward by his noble and learned Friend (Lord Lyndhurst), the cause of whose absence from the House he was sure all their Lordships would concur with him in hoping would be speedily removed. Though Mr. Ryland's case in its more immediate aspect was one of individual hardship and injustice, it was not merely as such that he brought it forward. He held, that unless some compensation were given that gentleman, an injury would be inflicted, with which no mere private injury could compare, upon the good faith and honour of the Imperial Crown. He must remark that this gentleman did not lose his place under the action of what was called a responsible Government. He was induced to give up the office which he held, of which he could not be dispossessed except for misconduct, under the promise that he should be appointed to another. He should first inquire who gave the promise, and under what circumstances it was given; then, what was the nature of the promise; and, lastly, how it had been fulfilled.

Now, the person who gave the promise was fully entitled to give it—he meant the late Lord Sydenham. At that period, Mr. Ryland was in possession of an office of more than 1,000*l.* a year. Lord Sydenham did not guarantee that he would give him an office of equal value, but he guaranteed that he would appoint him to a new office, the income of which should at least not fall below the sum which he would then be entitled to receive on the pension list. Now, the office to which he had been removed, instead of being equal to his retiring pension, had entailed upon him actual losses, and had reduced him to ruin. The history of the whole transaction since that period might be briefly stated: On Mr. Ryland's part, hope deferred—on the part of the Government, repeated official acknowledgments of the hardship and injustice of the case, and official expressions of regret that they could not easily see how the injustice complained of could be remedied; and, lastly, he hoped that it would not end—for he did not wish to anticipate the answers of the Government—in a repudiation by the noble Earl opposite (Earl Grey) of the claims of this gentleman altogether. His noble Friend (Lord Stanley), when he was in office, though Mr. Ryland's case was not at that time backed by addresses voted by the legislature in Canada, gave instructions to Lord Metcalfe to put Mr. Ryland on the pension fund of the colony until a more lucrative office should be given him. A pension of 100*l.* was given him for one year, and then he was appointed to a place which it was supposed would be more remunerative. The next notice of Lord Metcalfe of this case was a most important one. The new office did not turn out more remunerative than the former one; Mr. Ryland pressed his claim on consideration of the Government of Lord Metcalfe, and the council of that noble Lord's Cabinet drew up a report, repudiating the claim altogether, on certain grounds. So strongly, however, did Lord Metcalfe feel the justice of Mr. Ryland's case, that he refused to sign the report of his own council, and his refusal was registered in a minute which was appended. He says—

> "I withhold my assent, not only because the principle of the report is an unjust one, but because I foresee, from the adoption of such a principle, future embarrassments in carrying on the Government. I am of opinion that the pledge of Lord Sydenham to Mr. Ryland ought to be redeemed, and I conceive the local government are the proper parties, because that pledge was given to enable Lord Sydenham to carry out a new system of government which it was of importance to the welfare of the colony should be adopted."

Nothing was done, and Mr. Ryland then determined to appeal to the justice of the colonial legislature. Accordingly, he presented a petition, and on that the assembly appointed a committee, which, after full investigation, made a report. He (the Duke of Argyll) had been informed by Lord Cathcart, then the Governor General, that the committee was one which comprised men of all political parties, and, of his own knowledge, he could say that it was incapable of being influenced by any private motives, and that its report had been drawn up strictly on the facts before it. The report said, that by trusting to the promise of the Governor, Mr. Ryland had been subjected to the loss of a retiring allowance which he had a right to claim, and which other officers enjoyed, and that he ought to be placed on the pension list; and they added—

> "Your committee cannot but consider the case as one of great hardship; the claim is one, the justice of which being acknowledged, ought not to be avoided or overlooked."

In pursuance of this report, an Address was forwarded to the Crown, praying the Imperial Government "to take into consideration the case of Mr. Ryland, and to order him such compensation as to the Crown should seem fit." This was received in the brief interval during which Mr. Gladstone held office; and the next document on the subject was a letter of the noble Lord opposite, written in July, 1846, in which he said—

> "My predecessor did not deny, neither do I deny, Mr. Ryland's claim for compensation for his surrender of the office of clerk to the executive council; but it appears to me that his is not a claim against the Imperial Treasury, but against the colony, the House of Assembly having ac-

knowledged its validity, and you ought to insist on the Colonial Assembly satisfying that claim."

The noble Earl very strangely omitted all allusion to the fund derived from colonial sources, but placed at the disposal of the Imperial Government, to satisfy such claims as this. However, on the 25th of September, the noble Earl did mention the pension fund, and said he did not agree with the grant of a pension, but added, that if the Provisional Assembly advised such an appropriation, Her Majesty would defer to their recommendation. But if such a course was right, of what use was the retention of the pension fund at all at the time of the union? He (the Duke of Argyll) understood that it was for the sole purpose of enabling the Imperial Government to fulfil their own promises and their own servants', independently of the Colonial Government. Upon the reception of the letter of the noble Earl, a committee of the council considered the case, and drew up a report, which concluded by advising that 2,500*l.* should be placed on the estimates in a block sum for the satisfaction of Mr. Ryland's claim. Mr. Ryland complained that that was not enough; but he (the Duke of Argyll) could not detain their Lordships with mere details. However, instead of getting the 2,500*l.*, which the council admitted he was "fairly entitled to claim," it turned out that the sum had not been put into the estimates, and the cup of expectation was dashed from his lips. Lord Elgin's Cabinet was driven from office, and their successors advanced another step, and repudiated the claim altogether. They did this upon two grounds, to which he would allude, as he supposed they would be adopted by the noble Earl. He did not expect, in that House, to hear the noble Earl say, "True, Lord Sydenham promised compensation, but he is dead, and we are unable to have his explanation of the circumstances under which that promise was made; and, therefore, we cannot fulfil it." There never had been a governor, perhaps, who had not done individual acts to which exception might be taken; but if this were such an act, and he did not believe that it was, the honour of the Crown was pledged to keep the promise. Mr. Ryland's father had been in the service of the Crown, in British North America and in the Canadas, for more than half a century, and he had been his father's assistant for sixteen or twenty years; and, under those circumstances, Lord Durham—the most liberal of all liberal governors that Canada ever had; whose views of responsible government went beyond that of the Ministry which sent him out—appointed Mr. Ryland to a more lucrative situation. He denied that they had any right to go back to those circumstances at all; but if they did, they would find them in all respects a justification of his appointment. Well, then, it was said that Mr. Ryland was merely guaranteed that he should receive from his office a certain income; and that if his conduct in his office had been more economical, he would have realised such a net income. It is said, not that they are not bound to fulfil the promise of Lord Sydenham, but that that promise has been fulfilled. That was the argument held in Canada by some parties, and that was the tone of the noble Earl when the subject was broached last Session. He (the Duke of Argyll) had taken the greatest pains to make himself acquainted with the facts on this point, and he could assure their Lordships that the evidence was such as would convince any unbiassed judge that that argument was untrue, and that Mr. Ryland's conduct in his office was marked with all due economy, and with the greatest efficiency. But that, after all, was no argument for that House, since the circumstances of the case had been repeatedly inquired into, and in every instance the validity of the claim admitted, and, by one Committee of the Council, the amount fixed at 2,500*l.* The noble Duke then quoted the report of two independent gentlemen, appointed by the Canadian Government — without any reference to this particular case—to inquire into the emoluments and duties of the registrars of the province. That report distinctly stated that all those officers had to complain of inadequate remuneration; and in respect to the Montreal Office, this report expressly stated that the receipts scarcely met the actual expenses, and that the office "yielded no remuneration whatever to Mr. Ryland." The noble Duke then spoke in high terms of the open straightforward candour of Mr. Ryland, which had impressed him most favourably in the intercourse which had passed between them. As an instance of his fair dealing, Mr. Ryland, when he sent the whole documents on which his claim was founded to him, sent copies also to Lord Elgin. The rules of ordinary courtesy, one might have thought, would have suggested that Mr. Ryland should be furnished with at least an outline of the reply; but instead—and the fact was characteristic of the manner in which he was treated throughout—every one of the communications made to the noble Earl opposite was concealed from Mr. Ryland, and at the last moment he was informed that Lord Elgin had sent home his opinion of the "alleged" claim. He (the Duke of Argyll) thought that a most unfair proceeding. Worse than all this, in a general and national point of view, was the fact that Lord Elgin sent home without note or comment, disclaiming any participation in the text, an official memorandum from Mr. Hincks the inspector-general, in which it is stated, without the slightest disguise, that "the principle of pensioning of servants of the Crown has long been repudiated in Canada"—and why?—would their Lordships believe it?—"because they were so close to the United States, where the tenure of office was strictly dependent upon the will of the people"—not the will of the Crown, but "the will of the people." He did not know whether the Canadas were so far infected with republican principles that the promises made by the Crown, at a moment when it was taking a course deeply connected with the permanence of the welfare and the power of that great colony, were to be wholly renounced. This repudiation was utterly at variance with the sentiments expressed in a recent speech of Lord John Russell upon responsible governments, in which he asserted the impossibility of confiding implicitly the honour and faith of the Crown to a popular assembly. That principle had been acted upon by all the governors of Canada down to Lord Elgin. It might be perfectly true that republican principles had advanced in Canada; it might be true that principles hitherto thought essential to the monarchy of England could no longer be maintained in Canada; it might be true that the principle laid down by Lord John Russell was a fallacy; it might be—and he did not then question it—Lord Elgin's duty to transmit to the Imperial Government a memorandum, without one word of comment, or one syllable of dissent, openly declaring that promises of the Crown were to be disallowed on republican principles: all this might be true; but if it were true that this was the result of responsible government in Canada, they were at least bound to see that the last promises which the Crown had been entitled to make, and which it was still enabled to redeem, should be fulfilled with a scrupulous and proud fidelity. The noble Duke concluded by moving the following Resolutions:—

"That it is the Opinion of this House, that the Case of George Herman Ryland, late Clerk of the Executive Council of Canada, as set forth in a Petition presented to this House on the 8th June, 1849, and as further set forth in Addresses voted to Her Majesty by the Legislative Assembly and by the Legislative Council of Canada in 1846 (upon the Report of a Committee specially appointed to inquire into the Circumstances of the said Case), is one of great Hardship and Injustice:

"That it appears from the Papers laid on the Table of this House, that this Hardship and Injustice has been acknowledged, both directly and indirectly, by successive Governors General of Canada, by both Branches of the Legislature in that Province, as well as by the Imperial Government:

"That it is the Opinion of this House, that the Claims of the said George Herman Ryland, which have heretofore been officially acknowledged, ought not to be avoided or overlooked, and that he has a Right to expect that the Agreement entered into between him and the Governor General, of which he has performed his Part, should be carried into effect according to its Terms; or, as that may now be impossible, that he should be compensated for the Non-fulfilment thereof."

Earl GREY said, that his noble Friend had addressed their Lordships with great ability on this subject; but if he had considered the case more calmly, he would see that there were no grounds for the appeal which he had made. The best answer which he could give his noble Friend would be, by stating very shortly the facts of the case as they had come under his consideration. In the year 1838, Mr. Ryland, having at the time held a small situation in one of the public offices in Canada, was promoted to a more lucrative office, which, according to the then system, was not in the gift of the Governor General, but in that of the Crown. This was in a time of great difficulty and confusion, and the consequence was, that the appointment, which could only be a provisional one, was not confirmed by the Colonial Office at home. Sir J. Colborne wrote to Lord Normanby on the subject. He stated that he had received an application from Mr. Ryland for the issue of the usual warrant, but Mr. Ryland must be informed, that if the two provinces of Upper and Lower Canada should be united, and it should be impossible to continue his services, he would not be entitled to any retiring allowance. Mr. Ryland was appointed in 1838; in 1840 the provinces were united, and a difficulty arose as to Mr. Ryland continuing in his office, and he was removed. This office stood on the footing of what was called a permanent office. The rule was not to give a pension unless the office had been held ten years. The utmost economy was exercised as to every one of these offices; and according to the ordinary practices of the Board of Treasury in this country, Mr. Ryland, when the union took place, had no claim on this country; he would have been entitled to a gratuity for the number of months that he had served. His claim was further regarded by the express declaration of the Secretary of State, that, in the event of the union of the provinces, Mr. Ryland should have no claim to a retiring allowance. But Lord Sydenham had a strong desire to show real regard to Mr. Ryland; he undertook to provide him with another office of not less than 500*l.* a year. He (Earl Grey) would not say that was a promise hastily given, and given without due authority; but a governor had no right to contract pecuniary obligations of any kind, not only without the consent of the Secretary of State, but of the Board of Treasury; and the necessity of insisting upon that rule had been repeatedly laid down by both Houses of Parliament. They all knew that enactments required to be ratified with the concurrence of the Board of Treasury. However, this engagement was given, and having been given, it ought to be fulfilled; but undoubtedly it ought to be fulfilled by the provincial Government. At the period when Lord Metcalfe held the Government, his view of the case was that Mr. Ryland had no claim to a pension; that he had a claim to an office, and it was the duty of the provincial Government, if possible, to provide such an office. Accordingly he was appointed to the situation of registrar of the district of Quebec. The emoluments of that district appeared to be too low, and Lord Metcalfe, with the concurrence of the noble Lord (Lord Stanley) assigned to him a pension of 150*l.* Mr. Ryland complained that the emoluments and profits did not meet his expectations, and accordingly after a time another office fell vacant, and Lord Metcalfe assigned that office; but Lord Metcalfe was so satisfied that the office which he had assigned was sufficient to meet his expectations, that in giving that office he withdrew the pension. The noble Lord opposite (Lord Stanley) expressly approved of Lord Metcalfe's conduct in this particular. There were various applications upon the subject; and in the different letters to Mr. Ryland, he invariably stated that he conceived Mr. Ryland's claim to be exclusively the case of the provincial Government. Lord Cathcart succeeded Lord Metcalfe, and in transmitting another application of Mr. Ryland, he expressly stated his entire concurrence in Lord Metcalfe's view of the subject, that view being that Mr. Ryland had no claim whatever on the Imperial Government. Since he (Earl Grey) had been in office, the case had been brought before him, and the noble Lord had quoted the despatch he wrote upon the subject in acknowledging Mr. Ryland's claim to certain sums; but it was worded in a most careful manner, to avoid recognising the claims further than he stated. The despatch was in these words:—"My predecessors do not controvert, nor do I deny, Mr. Ryland's claim to whatever loss he may have sustained by the surrender of the office of clerk of the executive council." Since then the subject had been considered repeatedly, and by various authorities in Canada. The question, then, reduced itself to this, had the emoluments which Mr. Ryland had received from the different offices which he had held, been sufficient? That was a question upon which, in this country, it was totally impossible to form an opinion. The evidence which the noble Lord had quoted on that point, proved nothing whatever. Mr. Ryland had exchanged the office of registrar of Quebec for that of registrar of Montreal, and, according to the returns, the sum made by Mr. Ryland's successor at Quebec amounted to 545*l.* The situation of registrar at Montreal had been reckoned a good situation by the person who held it prior to Mr. Ryland; his situation at Quebec was found to be a good situation by his successor; and yet both, in Mr. Ryland's hands, turned out to be very unproductive. Mr. Ryland had been so intent in pressing his imaginary claims on the Government, that he had left business unexecuted. Under these circumstances, it did seem that there was no ground for interference. The noble Duke asked the House to resolve—

> "That it is the opinion of this House that the case of G. H. Ryland, late Clerk of the Executive Council of Canada, as set forth in a petition presented to this House on the 8th June, 1849, and as further set forth in addresses voted to Her Majesty by the Legislative Assembly and by the Legislative Council of Canada in 1846 (upon the report of a Committee specially appointed to inquire into the circumstances of the said case), is one of great hardship and injustice."

He did not wish to meet that resolution

by a direct negative; certainly he did not wish to prejudice the case of Mr. Ryland, which was still under the consideration of the provincial Government. All he could ask the House to permit, was to allow the question to be put, and he should, therefore, move the previous question. There was no evidence to show that the provincial Government were not disposed to look at Mr. Ryland's claims in a fair spirit, and it was quite impossible that this country could be called upon to make compensation to Mr. Ryland.

Lord STANLEY said, that all who had listened to the very able, clear, and eloquent statement of his noble Friend (the Duke of Argyll), and to the answer attempted to be made by the noble Earl opposite, must feel that this was a case of gross and grievous hardship and injustice. He was not prepared to go all the lengths of the various claims put forward at various times by Mr. Ryland; but it could not be denied but that the complication and difficulty attending them, was not a little increased by the somewhat extraordinary and lamentable fact, that no less than six Governors General, who had been engaged in the administration of the province during the transactions with Mr. Ryland, had been by the hand of Providence removed from this world. Lord Durham, Lord Gosford, Lord Sydenham, Sir R. Jackson, Sir C. Bagot, and Lord Metcalfe, had all in succession been removed by the hand of death, and Mr. Ryland had therefore lost the testimony of many important witnesses. After recapitulating the principal facts of the case, his Lordship proceeded to observe, that although when the question was submitted to him, he did not think Mr. Ryland entitled to the full amount of the pension claimed by him, yet he could not but feel that, after he had accepted the office under the guarantee of the Governor General (Lord Sydenham), and thereby incurred great loss, he had an equitable claim upon the consideration, justice, and good faith of the Crown, pledged through the colonial administration, and he therefore directed Lord Metcalfe, as far as possible, to make good the promise held out to Mr. Ryland by Lord Sydenham, although, in point of fact, he disapproved of the guarantee given by Lord Sydenham, and thought he had no right to give it. The emoluments of Mr. Ryland fell far short of what he had a right to expect, and he had accepted office for the convenience of the Government. He therefore wrote to Lord Metcalfe to bear Mr. Ryland's case in mind, and if possible to promote him to a more lucrative office at the earliest period; and until he should find such an office, he did not direct Lord Metcalfe to refer to the local assemblies or consult his cabinet, but to exercise the power entrusted to the Crown, and use the funds placed at its disposal, and out of those funds which were not under the control of the local executive and local parliament to satisfy the claim of Mr. Ryland, which had been contracted on the faith of the Crown. Lord Metcalfe did not recognise the claim of Mr. Ryland to a pension, but granted it to him by his (Lord Stanley's) orders; and when he conferred on him an office which he believed would in amount fully comply with Lord Sydenham's guarantee, he told him the pension would be withdrawn. Formerly, a sum of 5,000*l.* a year was placed at the disposal of the Crown as a pension fund. Now, he wished to know whether the noble Lord opposite had sacrificed to the local legislature, to whom he appeared to have handed all the powers of the Crown, the disposal of this pension fund? If so, he had deprived the Crown of the power of doing justice, and placed all the servants of the Crown, to whom the faith of the Crown had been pledged, at the disposal of a legislature who, if they were to judge of their disposition by the disposition of some of the chosen advisers of the Crown, was so far impregnated with democratic views, in consequence of their neighbourhood to the United States, that they were quite prepared to repudiate pensions which, at the time they were granted, the Crown had full power to grant. He therefore repeated his question—had he or had he not at the disposal of the Crown, or had he sacrificed, this 5,000*l.*? If he had parted with the power, a republic was practically established in Canada, and the Governor was placed in a degrading position, and called upon to place his hand, as a servant of the Crown, to documents and to subscribe decisions and pronounce judgments which, in his conscience, he believed to be unjust and derogatory to the authority and power of the Sovereign under whom he served. The noble Earl admitted the claim of Mr. Ryland to employment and remuneration; but, said the noble Earl, "Do not vote for this resolution, for how do you know what may be decided in Canada, as the case is still open?" The last Minute of the Executive Council stated, that the subject was open to consideration. But what was the date of that Minute? Some time in 1848 or 1849; and since that they had the declaration of Mr. Hinks, on the part of himself and his colleagues, it was to be presumed, repudiating Mr. Ryland's claim. It was no excuse for a Minister to say, "I have parted with the power of the Crown; I have left it a mere shadow; I have abandoned all the means of assisting this gentleman; and I must humbly wait the pleasure of the Legislature in Canada to do that which the Crown is pledged to do, and which I, as a Minister of the Crown, by my act, have debarred the Sovereign from doing." This was not a case in which their Lordships ought to pass to the previous question. His noble Friend did not call on them to go to the House of Commons to ask for compensation, but called on them as a body which had the power of controlling the responsible Ministers of the Crown, and the power of expressing their opinion on public matters and on the conduct of the Crown's responsible advisers, to declare that in their judgment Mr. Ryland had suffered gross hardship and injustice, and that this hardship and injustice had been acknowledged, both directly and indirectly, by successive Governors General, and by both branches of the legislature of the province, as well as the Imperial Government; and, by the 5th resolution, he called on their Lordships to declare that the agreement entered into between Mr. Ryland and the Governor General, of which the former had performed his part, should be carried into effect according to its terms; or, if that should not now be practicable, that he should be compensated. Whatever might be his feeling with regard to the others, he thought their Lordships would not, by any means, be justified in passing by the 1st, 2nd, and 5th resolutions, by voting for the previous question, after the clear and unanswered statement of his noble Friend—unanswered in all its material facts, and presented to their Lordships with a force and power independent of the force and power derived from the importance of the question itself. If, therefore, his noble Friend should think fit to divide on those three resolutions, he would, with a full sense of the injustice done, and of his duty to vindicate the right of the Crown to fulfil its obligations to its faithful servants, give him his humble support.

Earl GREY said, the noble Lord had asked him a question which he would very shortly answer. The question to which he alluded was, whether the right of the Crown to the disposal of the sum of 5,000*l.* a year had been surrendered? He begged to state that that right had not been surrendered; it was continued by the new Act which had been passed by the Canadian legislature, and in consideration of which the Civil List Act had been repealed. But the noble Lord knew as well as he did that, under the existing constitution of Canada, all the powers of the Crown must practically be so exercised that harmony between the different branches of the colonial government would be maintained; and the noble Lord was also aware that when his own instructions were sent to Lord Metcalfe, to give Mr. Ryland the pension, in order to their being carried into effect it was necessary to obtain the signature of one of the members of the Legislative Council. As the noble Lord had commented so strongly on what had been done recently, he would refer to the two last despatches on the subject, written by the noble Lord himself before quitting office. The date of this grievance was 1841. In 1845 Lord Metcalfe promoted Mr. Ryland to the office of registrar of Montreal, as the compensation to which he was entitled for the withdrawal of his pension. The noble Lord (Lord Stanley) wrote to the Governor General—

> "I have to convey to your Lordship my approval of the terms of the answer which you directed to be written to Mr. Ryland with reference to his remonstrance against the discontinuance of his pension."

Mr. Ryland had remonstrated against the discontinuance of his pension; the noble Lord thought the office to which he had been appointed a sufficient compensation. Mr. Ryland remonstrated again. On the 16th of September, 1845, three months before quitting office, the noble Lord wrote—

> "I have received your Lordship's despatch of the 8th of August, including your reply to the letter which Mr. Ryland has written to you on the subject of his claims upon the government of Canada. I do not perceive, in Mr. Ryland's present statement, any ground for altering the view which I have already taken of his case. I agree with you in thinking that if the pledge given to Mr. Ryland were a valid one, the responsibility of redeeming it would rest with the province, and not with the Home Government, the latter not having been a party to the transaction. I request you to inform Mr. Ryland that it is not in my power to interfere any further in this matter."

The noble Lord now thought that the advisers of the Crown should interfere. In September, 1845, he officially directed

Lord Metcalfe to inform Mr. Ryland that he himself could not interfere any further. He begged to repeat that the question of the pension was still before the Canadian Government; and he believed the sole reason why the Minute to which he had referred had not been acted upon was, that no one had been able to induce Mr. Ryland to urge his claim with moderation and justice. It appeared from the minutes of the Council, that in March 1850, the subject was still under consideration. He would only add, that the noble Lord appeared to take then a view somewhat different from the one which he took formerly.

Lord STANLEY explained. The noble Earl had forgotten to state that before he (Lord Stanley) acquiesced in Lord Metcalfe's decision, Lord Metcalfe had informed him that he had conferred on Mr. Ryland an office more lucrative than that which he had held at Quebec. That information was conveyed to him three or four months before he quitted office, and it was then perfectly impossible that he should know the amount of the emoluments. That was the state of the case in 1845. It was different now, experience having proved that the new office was not more lucrative than the old one.

Lord BROUGHAM had stated on a former occasion, that he thought Mr. Ryland's was an exceedingly hard case; and after hearing the unanswered and unanswerable statement made by the noble Duke, he was confirmed in the opinion which he had expressed a year ago. He might now add, that he thought it a case of great injustice, and it was the first time in his Parliamentary experience, when a charge of great injustice had been met by the previous question, which was as much as to say that it was not worth while to put the question at all. The refusal to satisfy the claims of Mr. Ryland had not been based upon grounds which he could have well understood—viz. on the want of funds; on the contrary, he had been told that there were plenty of funds, which made his case one of even still greater hardship. The noble Lord then referred to a testimonial, signed by twenty-three notaries of Quebec, which spoke in terms of the highest praise of the manner in which that gentleman had performed his arduous duties. By agreeing to the resolutions proposed by the noble Duke, their Lordships would not commit themselves in any way with reference to the fund out of which Mr. Ryland would be remunerated, and he should, therefore, most cordially support the Motion.

Earl GRANVILLE remarked, that as to the motive which had induced his noble Friend (Earl Grey) to move the previous question, instead of meeting the Motion with a direct negative, he could assure the noble and learned Lord that it was not because his noble Friend felt it to be inconvenient to do so, but because it was deemed the more proper course, inasmuch as the case, within certain limits, was still under consideration by the Executive Council in Canada. Under such circumstances, it would have been improper, on the part of the Government, to have given a verdict that might be unfavourable to Mr. Ryland. The case of that gentleman assumed a double aspect: first, was he really suffering any hardship; and, secondly, if so, who were the parties to recompense him? Those who had read the papers must be convinced that it was not in the power of his noble Friend (Earl Grey), on the part of the Imperial Government, to give compensation to Mr. Ryland, whether the case deserved it or not; but the question as to whether any hardship had really been sustained by him, was very much shaken from what appeared in the memorandum drawn up by Mr. Hincks. It could not be denied that Mr. Ryland's successor had, by industry and diligence, received a greater sum from the office than was assigned as a pension to Mr. Ryland by Lord Sydenham. Without wishing, however, to pronounce any definitive opinion on the subject, his belief at present was that Mr. Ryland was not suffering any personal hardship.

Lord GLENELG said, the impression left upon his mind after listening to all the discussion on both sides was, that a great wrong had been done to Mr. Ryland. There could be no doubt that a guarantee was given by the representative of the Crown, under most important circumstances, and that on the faith of that guarantee Mr. Ryland was induced to surrender his office and to accept one, the emoluments of which had been only about half those of his previous office. He entirely agreed with his noble Friend on his left that the colonial funds were answerable for the deficiency. But it was clear that if Mr. Ryland expected compensation, it could not come from the colonial fund. However, as the evil had been fully established, the only question was what fund the compensation was to come from? He differed entirely with those noble Lords who thought the question merely a colonial one, as, in his (Lord Glenelg's) opinion, it was an imperial question, and, as such, it was considered by the Government of that period. It was thought essential to the greatness and security of the empire, that an union should be consolidated between the Canadas. The nation thought so; Parliament thought so; and eventually decreed by a solemn compact that there was a union. He would recommend the noble Duke to press the whole of his resolutions, as in that case he would vote for them; and, in conclusion, he should say, that in his opinion, the colonial funds not being available, the compensation should be made good out of the Imperial Exchequer.

The DUKE of ARGYLL replied. He was not prepared to adopt the course suggested by the noble Lord who had last addressed the House, namely, to put all the resolutions; and he could not understand why the noble Lord should decline voting for the resolutions, unless all were comprehended in the decision. He held that the promise originally made was an imperial promise, and that as such it should be fulfilled in imperial good faith. He (the Duke of Argyll) was not willing to push the resolutions against the sense of their Lordships' House; and though he was of opinion that, as a whole, they should be passed, yet, in deference to the opinion of the House, and in compliance with the advice of his noble Friend (Lord Stanley) he would content himself with moving the first, second, and fifth of the resolutions.

The previous question was put, whether the said Question shall be now put.

Their Lordships divided. The numbers were—Content 22; Non-Content 19: Majority 3.

List of the NOT-CONTENTS.

MARQUESSES.

Lansdowne
Westminster

EARLS.

Besborough
Carlisle
Granville
Grey
Minto
Morley
Strafford

BISHOPS.

Down
Limerick
Manchester
Peterborough

BARONS.

Beaumont
Dufferin
Eddisbury
Foley
Overstone
Say and Sele

Paired off.

Lord Sudeley	Viscount Strangford
Earl of Charlemont	Lord Lanesborough
Bishop of Worcester	Lord Wynford
Lord Poltimore	Earl of Digby
Lord Kinnaird	Earl of Eglintoun
Lord Cremorne	Earl of Clare
Marquess of Donegal	Marquess of Ely
Marquess of Anglesey	Marquess of Westmeath
Duke of Bedford	Lord Feversham
Earl of Fingall	Marquess of Huntley
Lord Londesborough	Earl of Beauchamp
Lord Byron	Earl Talbot
Earl of Oxford	Earl of Roden
Duke of Norfolk	Duke of Montrose
Earl of Zetland	Earl of Ellenborough
Earl of Wicklow	Earl Somers
Lord Portman	Earl of Lucan
Lord De Mauley	Viscount Combermere
Lord Dormer	Earl of Harewood
Lord Elphinstone	Marquess of Londonderry
Lord Lovat	Duke of Cleveland
Earl of Yarborough	Earl of Lonsdale
Duke of Devonshire	Earl of Enniskillen
Lord Colborn	Earl Delawarre

Resolved in the *Affirmative.* Then the said Resolutions were, on Question, agreed to.

House adjourned till Monday next.

HOUSE OF COMMONS,

Friday, May 10, 1850.

MINUTES.] PUBLIC BILLS.—1° Ecclesiastical Residences, &c. (Ireland); Churches and Chapels (Ireland); Clergy (Ireland); Sunday Fairs Prevention.

Reported.—Police and Improvement (Scotland).

3° Parliamentary Voters, &c. (Ireland).

MANCHESTER RECTORY DIVISION BILL.

Bill, as amended, brought up for consideration.

MR. GOULBURN moved an Amendment to the effect that the salary of the canons should be 750*l.*, in place of 600*l.*, as proposed by the Bill. He considered that the rule under which the Ecclesiastical Commissioners acted, was to make the incomes of the canons equal to one-half of those of deans, and, as the dean in this case had 1,500*l.* a year, he held that the canons ought to have 750*l.*, particularly as they had to provide curates for themselves out of that income. It was true that an additional endowment was to be provided for the future canons, but that was not likely to come into operation for some years, and when it did come into operation the pew-rents were to be abolished.

Amendment proposed, page 12, line 34, to leave out the words "six hundred," and insert the words "seven hundred and fifty," instead thereof.

Question put, "That the words 'six hundred' stand part of the Bill."

Mr. M. GIBSON, on the part of the promoters of the Bill, felt bound to resist the Amendment. The right hon. Gentleman, in the statement he had made to the House, had omitted one branch of the question, which, in fact, involved the ground upon which this measure had been submitted to Parliament. The object of the Bill was to apply the parochial revenues of Manchester to the general parochial wants of Manchester; and if they gave so large a sum to the canons as was now proposed by the right hon. Gentleman, they would materially trench on the surplus from which alone could come the provision for the poorer clergy in the numerous other parishes of Manchester which were not otherwise provided for. This would be inconsistent with the whole principle of the Bill, and he therefore must decidedly oppose it.

Lord J. MANNERS said, that the right hon. Member for Manchester assumed the whole question at issue implied that there was no other object to be regarded than the spiritual provision of the parish. He (Lord J. Manners) denied that the Committee to whom the Bill was referred gave any opinion upon the much-disputed question of cure of souls. That part of the right hon. Gentleman's argument, therefore, with respect to the justice and equity of the case, ought not to be considered then. He should support the Amendment of the right hon. Gentleman the Member for the University of Cambridge.

Mr. PLUMPTRE said, it seemed to him the question was whether the sum to which the extra 150*l.* a year would amount, should be appropriated to the canons, or the working clergy. In the former case, the provision for the spiritual destitution of the parish would be diminished; and he thought that was not desirable.

Sir B. HALL said, that the amount of salary for the canons had been fully discussed in Committee, and the sum inserted in the Bill was thought amply sufficient. There was one cathedral church in Manchester, and fifty-three district churches, all of which were to be provided for; and he thought it hard that, after so full and careful a deliberation in Committee, the right hon. Member for the University of Cambridge should come down and ask for 750*l.* a year for the canons, to the detriment of the inferior clergy. When such a proposition was made, he thought it was time to inquire what the conduct of these canons had been, and how the cathedral funds had been disposed of. It was a very great question with him whether they should have even 600*l.*; and if the right hon. Gentleman alleged that, in other cases, the salaries of deans had been settled at 1,500*l.*, and of canons at 750*l.*, it would seem that the proportion was as two to one, so that, as in this case, the dean was to have 1,000*l.*, the salary for the canons ought to be but 500*l.* He begged the attention of the House for a moment to the conduct of the canons of Manchester, and to the manner in which the collegiate funds were disposed of. The state of the collegiate church of Manchester was a singular one. The clerk was appointed by a Roman Catholic, who sells the situation when vacant. Humphery Nicholls was now clerk. He bought the place, and sold it to one Davenport, who now held it, and appointed a deputy named Andrews, who had a sub-deputy named Chadwick. That was one half of the clerkship. One Richson, clerk in orders, was appointed by the dean and canons, and did not do any duty of clerk, but did the duty of the canons, and they paid him 75*l.* out of their annual income, which amounted to 6,000*l.* a year, the dean having 2,000*l.*, and the canons 1,000*l.* each. That was according to the Act. The dean resided at Manchester. Canon Wray resided at Snedley, near Manchester; Canon Sergeant lived at Broughton-in-Furness, near the Lakes; and it was utterly impossible that he could do any duty at Manchester. Canon Parkinson was President of St. Bees, and had a living; and Canon Clifton had a living in Bedfordshire. Mr. Remington, a minor canon, had not been at Manchester for ten years, and he (Sir B. Hall) had been informed that he was paid 400*l.* a year to stay away. He had a deputy, whom he paid 200*l.* a year. Now, what had been the intentions of the dean and chapter with respect to the great collegiate church of Manchester? They had intended to shut up the whole church, except the baptistery. They had intended to take not only the church, but all the private chapels, and to let them out in pews. All was to be closed to the public except the baptistery, a space of 85 feet by 25, and that was to be the whole church accommodation for a population of 33,000 souls. What was the amount of duty performed by the canons? He had been informed, that when the bishop called upon them to perform their duty, they appealed to an ambiguous clause in a statute of Charles I., and under that clause offered to pay a fine of

17*l.* 5*s.* for non-performed duty, contending that, if they paid that fine, they were exempt from all duties of any sort whatever, except that of receiving their salaries. It was now proposed to give them an income of 750*l.*; and here was an instance of how they performed their duty. The churchwardens of Manchester were required by the dean and canons to visit the cathedral district in October, 1849, to request some shopkeepers to close their shops on the Sunday. They visited several persons, induced them to close their shops, and then ascertained that not one of the parties had ever been visited by any of the clergy, although each person professed to be a churchman, and lived close to the cathedral. He would give them another case. Mr. Morrell was appointed by the Government to examine the charity school in connexion with the collegiate church, Manchester. The following was his report:—

> "This school is one of those relics of former times which are now happily disappearing under a more just idea of the nature and importance of education properly so called. The instruction is as narrow as it is very well possible to be, sewing and reading are the only things taught. The children repeat a collect or two, and parts of the catechism by rote, but there is a lamentable want of enlightenment. Moses and David were given as two of the disciples of Christ; and by several other answers equally unintelligent, I fear this was not an exaggerated instance of their general want of all correct knowledge of Scripture history and facts. There is no method at all."

Such had been the instruction given by the dean and chapter to their poor parishioners. He next came to the amount of property which they had administered, and would state it, taking the value from the ratebook. Newton estate, assessed to the poor, 14,800*l.*; Kirkmanshulme, ditto, 2,119*l.* 5*s.*; Rusholme, ditto, 786*l.* 3*s.*; Manchester, ditto, 7,331*l.* 10*s.*; Salford, ditto, 3,869*l.* 8*s.*; amount of assessment, 28,906*l.* 6*s.*; tithe of the parish, 3,029*l.* 17*s.* 7*d.*; interest on money invested, 972*l.* 8*s.* 4*d.*; rental of three glebe-houses, 826*l.*; glebe-house at same rate; one ditto sold, and included in money out at interest, 275*l.* 6*s.* 8*d.*; making a total of 34,029*l.* 18*s.* 7*d.* He did not mean to say that the chapter had realised that sum, as he believed that through their mismanagement the receipts had been only 7,000*l.* or 8,000*l.*, but he asserted that that was its rateable value. In his opinion, instead of giving them large incomes, they should be reduced to low stipends, and be compelled to perform cure of souls. If this property were taken out of their hands, and properly managed, there would be funds amply sufficient for the spiritual wants of the district. In his opinion this Bill was a great improvement on the present state of things, and he believed that for it the public had mainly to thank the bishop of the diocese, who had had a hard struggle with the capitular body.

SIR G. GREY said, that the facts which had been brought forward by the hon. Baronet the Member for Marylebone had no bearing whatever on the present question. There had, unfortunately, been some disputes about the ecclesiastical property of Manchester, and whether it ought to be applied to the cure of souls; but, whatever might be the opinions of hon. Members on that subject, this Bill settled that prospectively, and as vacancies occurred, the funds should be applied to the spiritual cure of souls. The Bill was a valuable Bill, and he should be sorry if it did not receive the sanction of Parliament. With respect to the immediate question, it related entirely to the income of the future deans and canons. The existing deans and canons had no personal interest in it whatever. It was only as vacancies arose that the proposed incomes were to be attached to the canonries. The Bill proposed to assign 1,000*l.* a year to the dean—not 1,500*l.*, as had been supposed. He was only to receive 1,000*l.* a year as dean, but he was to receive another 500*l.* in consideration of the cure of souls that was attached to the deanery. With respect to the canons, the Bill proposed 600*l.*, together with the pew-rents and surplice fees; but power was given to the Ecclesiastical Commission to augment their incomes 250*l.* and to abolish the pew-rents. The Committee to whom this Bill had been referred, having, after mature deliberation, decided that the salary should be 600*l.*, instead of 500*l.* as originally proposed, he should be disposed to abide by that decision, unless some very strong grounds were given for setting it aside.

MR. DEEDES, as chairman of the Committee, begged to state that the decision of that body in favour of 600*l.* was far from unanimous. He himself was in the minority in favour of 750*l.*, which he did not think at all too much for the duties the canons had to perform. He regretted that the hon. Member for Marylebone had alluded to certain parts of the evidence affecting the personal character of gentlemen who came before the Committee; first because, as had been said, they were not to be affected by the operation of the Bill, which was merely prospective; and, secondly, because he believed the evidence would not bear out the statements which he had made.

Mr. CHILDERS said, that the majority of the Committee had been strongly in favour of reduction. The surplus even under the Bill would be hardly sufficient, as it would require not 50, but 100, clergymen to supply the spiritual wants of Manchester, with its 400,000 inhabitants.

Mr. HORSMAN said, that the House had every reason to be satisfied with the manner in which the Committee had discharged their duty. He accepted the Bill as generally satisfactory, and he hoped the House would not agree to the Amendment proposed. This was not a question of payment, but of apportionment, of distribution; and the House must bear in mind that every 150*l.* added, as the right hon. Member for the University of Cambridge desired, to the income of the canons, deprived the people of Manchester of an additional clergyman.

Mr. WADDINGTON said, that from long knowledge of the canons of Manchester he could speak in the very highest terms of their zealous performance of their duties. It was true that Canon Clifton had a living in Bedfordshire; but he could positively state that Canon Clifton was scarcely ever absent from Manchester. The fact might be a subject of complaint with the parishioners in Bedfordshire; but the matter in hand was the conduct of the canons of Manchester as such. It was also true that Canon Sergeant, as was stated, spent a portion of his time at Furness; but the reason was that the canon, being delicate in his chest, required change of air, for the benefit of his health.

Mr. HUME wished to know what parochial duties the canons performed—and how it could be pretended that they performed any when they themselves had contended that they were not bound to discharge any. Really there was no one ever convicted of misconduct or neglect of duty for whose character some one was not ready to come forward and bear testimony in that House.

Sir R. H. INGLIS said, the hon. Member for Montrose seemed to think it hard that absent people could not be assailed in that House unvindicated; but he thought the fact very creditable to the House. This was not a Bill of pains and penalties, as the right hon. Member for Manchester wanted to make it, but merely a prospective measure. He should have been most ready to carry out to the fullest extent the views of the Legislature expressed three years ago, which would give to the canons of Manchester an income greater by one-fourth than that proposed in his right hon. Friend's Amendment; but as it was he should cordially support the Amendment. It was surely not too much to ask that the heads of the Church in a millionaire city like Manchester should be enabled to live like gentlemen in the society with which they were connected.

Mr. DRUMMOND said, it was idle to talk of "justice" to parties who might be the future holders of these canonries, the measure being, as had been stated, purely prospective. The question of pluralities was not an ecclesiastical one, but one of common sense and common honesty. The system was not allowed in any service but that of God. It was perfectly monstrous to hear of a body of "priests," in a population of 400,000 souls, having "no parochial duties to perform." They had utterly neglected their duties. They ought to have had in their collegiate church services every hour of the day, at least all the canonical "hours." It was for such purposes that these cathedrals had been built —not to furnish sinecure situations for gentlemen to live among their equals, but to conduct the worship of God in a way in which it could not elsewhere be conducted, and as it never would be conducted by these canons. He was sorry the Amendment had been brought forward, and should vote against it and support the Committee.

Mr. BRIGHT did not think that the duty which attached to these offices in past times had anything to do with the question; some indeed might be of opinion that if the same duties were now to be performed by these canons, the less they had of salary the better. The object of the Bill was to apply large funds—and they would be much larger when better managed—to the payment of certain clergymen who had no cure of souls in the parish, and to accumulate a fund from the surplus to raise the salaries of the working clergy of the parish. It appeared to him that the Committee on the Bill had done what any eight or ten sensible men would do when having to consider the apportionment of money under such circumstances; and he was quite sure their decision would give a large amount of satisfaction to the people of Manchester. It was well known that he was a Dissenter; but he wished, if possible, to look upon this matter with the feelings of a Churchman, or, at all events, with the feelings of a Member of Parliament, and to remove, if possible, what undoubtedly was pointed at by Dissenters as a proof of the manner in which the affairs of the Established Church were managed. Now, if they raised the sum in this case to 750*l.*, or 975*l.*, as the Chairman of the Committee wished it to be—the higher they raised the sum to be paid to the canons, the longer would they defer the time when any fund would accumulate for which alone the Bill was brought in for giving a share of the emoluments to a number of working clergymen who had hitherto been shut out from any portion of this property. If Parliament wished to free the Church at Manchester from a charge which the Dissenters now justly brought against it, they would pass the Bill in the shape in which it had come from the Committee.

MR. GOULBURN had brought forward the proposal he had submitted, believing that it would reconcile conflicting interests.

The House divided:—Ayes 193; Noes 60: Majority 133.

List of the NOES.

Alexander, N.
Barrington, Visct.
Benbow, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Boldero, H. G.
Bramston, T. W.
Bremridge, R.
Broadwood, H.
Buller, Sir J. Y.
Carew, W. H. P.
Chatterton, Col.
Christopher, R. A.
Christy, S.
Cocks, T. S.
Colvile, C. R.
Compton, H. C.
Dickson, S.
Disraeli, B.
Duckworth, Sir J. T. B.
Edwards, H.
Egerton, W. T.
Forbes, W.
Forester, hon. G. C. W.
Fuller, A. E.
Galway, Visct.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Houldsworth, T.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Legh, G. C.
Lewisham, Visct.
Lockhart, W.
Long, W.
Mackenzie, W. F.
Mahon, Visct.
Manners, Lord J.
Maunsell, T. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Mundy, W.
Palmer, R.
Prime, R.
Stafford, A.
Stanley, E.
Stanley, hon. E. H.
Turner, G. J.
Vesey, hon. T.
Waddington, D.
Waddington, H. S.
Walsh, Sir J. B.
Welby, G. E.
Worcester, Marq. of
Wrightson, W. B.

TELLERS.
Goulburn, H.
Deedes, W.

Bill to be read 3°.

ECCLESIASTICAL COMMISSION—THE HORFIELD ESTATE.

MR. HORSMAN rose to put the question, of which he had given notice, when the Ecclesiastical Commission would present another general report, none having been presented since 1847, and also whether any and what proceedings had been taken either by them or the Bishop of Gloucester since 1848 in the case of the estate of Horfield? It would be remembered that two years ago an arrangement had been made by the Ecclesiastical Commissioners and the Bishop of Gloucester, under an Order in Council, which, however, had not been carried out. There was considerable doubt as to what was intended to be done; and, perhaps, the noble Lord at the head of the Government would explain what course the Commissioners intended to take?

LORD J. RUSSELL said, with regard to the first question, that no report had yet been presented, nor could he say when such report would be drawn up. With respect to the second question, the arrangement between the Commissioners and the Bishop of Gloucester was referred to the law officers of the Crown, and they gave their opinion against the legality of that arrangement, and it had consequently not been carried out. Since 1849 the Commissioners had made no return relative to the Horfield estate.

MR. HORSMAN asked what security there was of the estate coming into the hands of the Commissioners after the demise of the bishop, according to the terms of the Order in Council. Also in what position the Commissioners stood in regard to the estate, and whether this part of the arrangement would be enforced or not?

The ATTORNEY GENERAL said, the hon. Gentleman was assuming a state of things which the bishop denied the Order in Council effected, and which the law officers held, when the matter was referred to them, it did not.

Subject dropped.

REGISTRAR OF THE PREROGATIVE COURT OF CANTERBURY.

LORD HOTHAM, seeing the hon. Member for Marylebone in his place, wished to say a few words on a subject to which that hon. Baronet had recently called the attention of the House. The hon. Baronet inquired, some days since, of the noble Lord at the head of the Government, whether it was true that the Archbishop of Canterbury had appointed his son to the reversion of a valuable sinecure in the Prerogative Court—a situation which the late Archbishop had declined to fill up? The noble Lord stated, on a subsequent day, that the hon. Baronet had been correctly informed, and that such an appointment had been made; but he added that under the provisions of an Act passed in 1847, the 10th and 11th Vict. cap. 98, and inasmuch as a Committee upstairs was inquiring into the fees in courts of justice, it was very probable that, should the individual appointed ever come into possession of the office, he would be obliged to take it upon a new footing, and would have no claim to compensation. The matter had subsequently attracted very much of the attention of the public, and had been largely discussed in the public papers, and that discussion had been recently revived mainly in consequence of a letter published by an individual who had been erroneously supposed to be the person upon whom the office in question had been conferred, and also in consequence of a public declaration which had been made by the Archbishop of Canterbury himself of the motives and objects by which he was guided in making the appointment. It was because he (Lord Hotham) thought that these statements had led the public to draw inferences prejudicial to the character of the late Archbishop of Canterbury, that he ventured to bring forward the subject. One of the statements he had seen made was, that the late Archbishop of Canterbury, having no son of his own, it became a matter of comparative unimportance to him whether the office was filled up or not. It was also stated in the letter to which he had alluded, that—

> "Archbishop Howley had recommended the abolition of the office, or reduction of the emoluments, and therefore might probably feel that he could not, with propriety, nominate any one to it at a time when his nominee would be entitled to compensation in the event of the interference of Parliament."

It had also been stated by the Archbishop of Canterbury himself, that the Bill relating to the sinecure in question only passed a few months prior to Archbishop Howley's death. Now, with regard to the first of these statements, he (Lord Hotham) thought he might very safely appeal to the noble Lord opposite, and to the occupants of the Treasury bench, whether the fact of their having no sons of their own at all relieved them from other importunities in reference to the distribution of patronage? But it was obvious, that any one who had filled the situation of Archbishop so long as Dr. Howley had done, must necessarily have had many persons connected with him whose fidelity he would have been glad, in any proper manner, to reward. Then, as to the second statement, he apprehended that Archbishop Howley, had he been so minded, might have nominated any one to the office, imposing a condition constantly made in the nomination to offices under the Government, that the persons appointed should take them subject to the future regulation of Parliament. The inference naturally to be drawn from the statement that the Bill of 1847 only passed a few months before the death of the late Archbishop was, that had his life been prolonged, he might have been induced to make an appointment to the vacant office. He (Lord Hotham) would undertake to say that there was not the slightest foundation for any such supposition. The Bill in question, which was a Government Bill, and upon which Archbishop Howley must necessarily have been previously consulted, was introduced by the Lord Chancellor on the 1st of July, and received the Royal Assent on the 22nd of July. The Archbishop's death did not take place till the following February; and he (Lord Hotham) would leave any one to judge whether, if the Archbishop had been inclined to appoint to the office, he had not abundant opportunity of doing so. Lest it might be supposed, however, that the Archbishop was at that time in such a state of health as to preclude his attention to business, he (Lord Hotham) might observe in proof to the contrary, that, the Bill having passed on the 22nd of July, the Archbishop was attending his duties at convocation in the following November. But he (Lord Hotham) was happy to be able confidently to state to the House that the objection of the late Archbishop to fill up this valuable office arose from principle and from principle alone. The feeling of the Archbishop was that, with respect to any situation in his gift which had become actually vacant, it was competent to him to deal with it as he thought proper; but he did not feel it consistent with his high station to anticipate an event the occurrence of which no one could foretell, and thus he did not think it proper to appoint to any office in reversion, or to any sinecure office. He (Lord Hotham) could, however, carry the case still further, by showing that at the earliest period of his career Archbishop Howley had acted on the principles upon which he acted in this case. At the time he was Bishop of London, a sinecure office, worth some hundreds a year, which had been held by the son of one of his predecessors, Bishop Lowth, and who was appointed to it when only ten years of age, became vacant. Dr. Howley abolished the office as a patent office, and appointed to it a gentleman in whom he justly reposed confidence, but he only made the appointment during pleasure, and the present Bishop of London had continued the same gentleman in the situation. After Dr. Howley became Archbishop of Canterbury, offices of a similar kind fell to his disposal. In one case he appointed as joint registrars of the diocese of Canterbury two individuals on the sole ground that they had for many years discharged the duties of the office. He (Lord Hotham) also knew that in 1844, when, on the death of the son of a former archbishop, two sinecure offices became vacant, Dr. Howley appointed to one office the individual who had previously performed the duties as deputy, and the other he did not fill up, nor had it been filled up to this moment. He (Lord Hotham) wished to say that in making this statement he was influenced by no private considerations. He was entirely unconnected with the late Archbishop, or any member of his family, and had never asked or received the slightest favour at his hands; but, having been a warm admirer of the great piety and learning and the humility and meekness of Dr. Howley, as well as of the firm yet temperate manner in which he performed all the duties of his exalted station, he (Lord Hotham) had felt that it would be a public scandal to allow any stain to be thrown upon the memory of so excellent a man, or any doubt to remain on the mind of any one as to the high and disinterested principle on which, during a long public life he invariably acted. He (Lord Hotham), therefore, had felt it his duty to endeavour to remove any misconception that might exist on this subject.

Lord J. RUSSELL would only say, that he did not think any one would for a moment suppose that any stain could attach to the character of the late Archbishop of Canterbury. Indeed, he believed but one feeling was entertained in that House and elsewhere as to the disinterested conduct of Dr. Howley. He did not know to what publications the noble Lord had referred, but he was satisfied that the feeling of respect for the late Archbishop was universal.

THE NEW HOUSE OF COMMONS.

Mr. B. OSBORNE begged to ask the hon. Member for Lancaster, whether the gallery erected in the new House of Commons last week had been pulled down, and whether the House would be prepared for the reception of Members after the Whitsuntide holydays? He also wished to ask, with reference to nine boilers which now occupied one of the quadrangles, whether Mr. Barry had submitted any estimate of their expense, and to what purpose those boilers were to be applied?

Mr. T. GREENE said, that the gallery at the further end of the House, to which he understood the hon. Member to refer, had been taken down. He believed the House would be ready for the reception of Members, in order to test its convenience, very early. [Mr. B. Osborne: When?] He believed it would be ready for their reception in the course of the next week; but of course their going there must to a certain degree depend upon the state of the weather. [*Laughter.*] He apprehended that it would be no laughing matter for hon. Members to be confined in the new houses for six hours on an extremely cold day, because there were as yet no means of warming or ventilating it. The House was at present fitted up merely in a temporary manner; the accommodation for strangers was not completed; but if the House should be so far completed as to be fit for occupation next week, hon. Gentlemen would have an opportunity of ascertaining how far the arrangements at present made would meet their convenience. The boilers to which the hon. Member for Middlesex had alluded were intended for the warming and ventilation of the House and of the committee rooms. He might add, that estimates had been given with respect to every portion of the building, and that contracts upon these estimates had been entered into for the supply of the various articles required.

Mr. B. OSBORNE inquired whether the ventilating process to be adopted was Dr. Reid's?

Mr. T. GREENE said, that the apparatus now erecting was for carrying out Mr. Barry's plan, and not Dr. Reid's.

Mr. HUME complained that the new committee rooms were excessively cold, and that in some of them it was very difficult to hear the proceedings. He wished to know whether any measures would be taken to render them more comfortable?

Mr. T. GREENE said, that the attention of the commissioners had been directod to the state of the committee rooms. The boilers to which he referred were intended for the purpose of warming those rooms; and he believed that in the course of another year the whole of the apparatus would be completed, and the committee rooms would not then be as cold and uncomfortable as they were at present.

Subject dropped.

THE ECCLESIASTICAL COMMISSION.

Sir B. HALL wished to ask the noble Lord at the head of the Government whether it was the intention of the Ecclesiastical Commissioners to furnish the House with any authentic information respecting the actual revenue and expenditure of the various dioceses throughout the country? He trusted that they were in a position to do so, and that they would feel it to be their duty to enlighten the House, if it should be in their power to do so, on a subject of so much importance. The Select Committee which was appointed under the Commission of 1838 to collect information from the bishops with respect to church leases and tithes, had not received from the bishops such co-operation as enabled them to prosecute their inquiries satisfactorily. Sixteen of the bishops, including the two archbishops, sent answers to the communications addressed to them by the Committee; but nine bishops peremptorily refused to make any return whatever of the income and expenditure of their sees; and the then Bishop of Worcester took no notice of their application one way or the other. The Bishop of Bangor coolly informed them that he felt that it was his duty to decline giving the information applied for; and some other prelates gave answers equally unsatisfactory. From that time to the present there had been no return whatever of the value of the property of the bishops, except a return published in the year 1845, which was anything but satisfactory. It merely gave the calculations in gross, but did not furnish the House with any detailed accounts of the income and expenditure. There were circumstances which had occurred likely to augment the value of certain sees, and yet the returns did not show the fact. In the see of London great improvements had taken place in respect to the erection of buildings and houses in various parts of the diocese, and yet he found the returns to be as follows: In 1831 the income was stated at 15,747*l.* in 1845 it was only 13,519*l.* Under these circumstances, he wished to know on what data the Ecclesiastical Commissioners had founded their calculations of the sums that ought to be paid over to the account of the fund. He also wished to know whether the Ecclesiastical Commissioners were now in possession of full, accurate, and authentic information respecting the amount of property belonging to the different sees, the terms and circumstances under which leases had been granted, and the names of the parties to whom such leases had been given?

Lord J. RUSSELL said, that the Ecclesiastical Commissioners, on the 1st of January, 1844, sent a number of queries to the bishops, asking them to state, under different heads, the various sources of their income, and the amount of their several payments. Those returns were duly furnished, and it was from a comparison of these different documents that the commissioners made their estimates and calculations of the respective sums to be paid or received by the various bishops. The Act required that the returns should be made septennially, so that it was to be presumed that on the 1st of January, 1851, the House would be in possession of new data. It was true that the Ecclesiastical Commission of 1838 had not obtained accounts in detail of leases, tithes, and various other items; but the House was aware that there had been another commission since then; and there could be no doubt that their reports and evidence, which would be soon upon the table, would furnish satisfactory information on these subjects. He had not heard that the commission had experienced any difficulties in obtaining the information for which they applied.

THE STAMP DUTIES.

The CHANCELLOR of the EXCHEQUER said, that as it was most desirable there should be no delay in making known the course he proposed to pursue with regard to the stamp duties, he would, with the permission of the House, proceed to state it then. He hoped the House would allow him first to refer to what had happened with regard to this question, and to the difficulty in which he had been placed in endeavouring to reconcile the interests of individuals and the interests of the public, and carry into effect the object he had in view in introducing the measure. He had never stated, as was alleged, that this was a measure calculated to confer such a great boon upon the country generally; what he said was, that it was pointed out in the report of the Lords' Committee that there was a great discrepancy between the rate of duty upon large and upon small transactions in land, and that small owners of land, in disposing of it or of borrowing upon it, were subject to difficulties from which their richer neighbours were relieved, and he proposed to put the former at least upon equal terms with the latter. He stated, at the same time, that he proposed to take off rather more than 450,000*l.* by the repeal of the duty on bricks, and rather less than 300,000*l.* by the alteration of the stamp duties, making together 750,000*l.*, which was the extent of relief from taxation which he thought could be properly given this year; and he also, at the same time, stated fully the principles of the measure which he had in view. No opposition was offered to what he proposed, nor were any observations made censuring or finding fault with it; the measure was received apparently with general approval, and he confessed he was not prepared for the opposition that subsequently arose. The objections which were taken might be divided into three classes. It was objected, first, that the Bill did not embrace many subjects with which it might have dealt; his answer to which was, that one Chancellor of the Exchequer after another had been deterred from attempting a general revision of the stamp duties, and that the only chance he saw was that of dealing with them in detail, so that ultimately he might effect a general revision. Then objection was made in regard to what were supposed to be the imposition of new duties—objections founded upon some words in the Bill; as, for instance, it was supposed that he meant to impose a duty upon equitable mortgages. He never proposed any such thing; the words in question were introduced with a different object; he explained that to the parties who came up to him upon the subject, but to avoid all doubts the words were removed from the Bill. He had heard his "Second Stamp Duties Bill" spoken of; the fact simply was, that he had removed from the Bill certain words upon which doubts were entertained. When the Bill came on for discussion, the clauses of the Bill were passed with only a single Amendment; but an hon. Member of great experience, the hon. Member for Cirencester, and well acquainted with the subject, had put upon the paper several Amendments which he proposed to move. Now, he (the Chancellor of the Exchequer) stated at the time that he acquiesced in most of the objects the hon. Member had in view; but he (the Chancellor of the Exchequer) did not propose to adopt the language of all his Amendments, and would therefore himself bring up clauses which would carry into effect those suggestions, which he fully admitted to be most valuable, and calculated to improve the Bill. Then came the schedules; and he confidently believed if the House had gone into the schedules, a great number of objections taken to them would have been removed. He stated at that time, as he had to state again now, that he proposed to incur nearly the whole of the loss of revenue upon conveyances, and very little upon bonds and mortgages, considering it to be more necessary to enable parties to sell than to borrow; that he proposed to proceed upon the principle adopted by the House, in the Encumbered Estates Act, and that, as far as the stamp duties were concerned, parties should have facilities for selling a portion of their property rather than for encumbering it, and perhaps adding encumbrance to encumbrance. He had proposed, accordingly, to reduce the duty which upon the lowest mortgages was now 2 per cent, to ½ per cent. But after this scale of duties was circulated, he received repeated representations that it would add so considerably to the duty upon higher transactions, that it was desirable to reduce the amount, and he stated therefore that he would reduce it from ½ to ¼ per cent. He might add here, that on the very morning of the day when he came down to the House, he received a representation from the railroad companies, the class of parties, in fact, more affected by this duty than any other, owing to the necessity of renewing their debentures, that if the duty were reduced to ¼, they would be content. He did not come down, therefore, without good reason to suppose that the parties most likely to be injuriously affected by the alteration of the duty on mortgages would be satisfied with the reduction which he had proposed. But the House took a different view of the subject. He had proposed to reduce the duty on the lower amounts to one-eighth of what it was, and to levy the same percentage upon all. It was objected that this *ad valorem* principle would press upon those who had to borrow large sums, though they only paid in equal proportion to those who borrowed smaller amounts, and that, therefore, the duty must be made so low upon the lower amounts as that, rising equally, it should not increase the amount payable on the larger transactions. The House was accordingly moved to put the duty, not at 2*s.* 6*d.*, but 1*s.* It so happened that a more inconvenient sum than 1*s.* could hardly have been fixed upon; it not only sacrificed a considerable amount of revenue, but it was a sum the stamp for which would not agree with any existing stamp, and would render it necessary to have a completely new set of stamps, to the great inconvenience of all parties in the country, besides considerable expense in making the dies. During the delay which took place in consequence of that vote, he received representations from all parts of the country expressing great anxiety that the measure should be proceeded with, especially with the addition of the Amendments proposed by the hon. Member for Cirencester, the Bill being a measure which had long been looked for through the country, and great desire was expressed to have it passed as early as possible. He would read a short extract from one representation out of many, showing that, even as he proposed the measure, it would have been considered a great boon by a large portion of the country. A committee of attorneys in Somersetshire made this statement: it was signed by four gentlemen of the highest character and respectability:—

> "Perhaps few statutes which have ever passed the Legislature have been more perplexing or more fruitful of litigation than the Stamp Act, 55 George III., cap. 184, now in force; and while, therefore, the proposed measure of Government is just and equitable, it is one of which all who have had any experience in the existing stamp laws have long felt the urgent need. We beg, Sir, further to state that, in the course of the many years' experience which we have had of the present Stamp Act, no part of it has appeared to us to be more unequal in its pressure, or more unjust in its principle, than that which imposes the duties now payable on bonds and mortgages. And we think (in common, we believe, with the members of our profession and the public generally) that a uniform *ad valorem* duty of 5*s.* per 100*l.*, as proposed by Her Majesty's Government, on all bonds and mortgages, in lieu of the present unequal, and in some cases oppressive, scale, will be liberal and just, and that it will be sufficiently low to meet all the requirements and all the reasonable expectations of those on whom the payment of these duties will fall."

So that, in the opinion of practical and experienced men of business, the proposal of the Government was just and equitable. But the House voted that the duty on bonds and mortgages under 50*l.* should be only 1*s.*; and a course was suggested to him (the Chancellor of the Exchequer) which he was afterwards obliged to abandon, by which he had hoped to preserve to a considerable extent the one-fourth per cent scale. It was found impracticable. His object had been to endeavour to reconcile considerations of revenue and the reduction necessary in consequence of the vote of the House. After full consideration, he proposed now to adopt the following course; and it would make it necessary to withdraw the present Bill, and introduce a new one, containing the clauses of the old Bill, together with those framed in pursuance of the suggestions of the hon. Member for Cirencester. He should propose that upon conveyances and transfers of property there should be a uniform duty of one per cent *ad valorem*. This would not give so much relief as he had hoped to give to the smaller conveyances. Above 1,000*l.* the duty was now one per cent, and the only effect there would be that it would make the scale more equal. Upon mortgages and bonds he should propose a uniform duty of one-eighth per cent, or 2*s.* 6*d.*; that would be as near the vote of the House as it was possible to come, consistently with what was really practicable and convenient to the parties using stamps. The effect would be slightly to raise the duty above what the House had voted, but he thought he should be able to satisfy them that this would be the advisable course; they fixed on 1*s.* up to 50*l.*; his proposal would be 1*s.* 3*d.* He should propose one-eighth per cent carried uniformly, which would relieve considerably mortgages and bonds up to the sum of 12,000*l.* With regard to leases, he should propose to leave the Bill as it stood, except as to leases with fines in Ireland. With respect to settlements, he should propose that the duty should stand as in the Bill, namely, one-fourth, or 5*s.* per cent upon settlements of money, or money to be raised on land. Hon. Gentlemen had been under a strange misapprehension as to the intention of the Bill, as if it proposed something totally new, and never thought of before, in imposing a duty upon contingent annuities. He would admit that he had intended to make more certain the words of the existing law; but what he should now propose was, not only to give up that, but to repeal certain words which were in the existing Act. The words of the existing Act showed, clearly as he thought, that such contingent annuities were to be charged with duty; the words were, that every settlement was to be charged, "whether the money was to be raised at all events or not;" whether to be raised "absolutely, or conditionally, or contingently." As he had said, he had intended to make that more certain. He believed, upon the whole, the duties had not been practically paid; and he thought it better to omit the words, and therefore all contingent annuities would be free from duty. These settlements had been used to escape legacy duty to a considerable extent; but the duties would bear so hardly that he proposed to repeal the words. He proposed to repeal altogether the duty on a lease for a year, and to reduce the duty on transfers and mortgages to an *ad valorem* if below 35*s*., leaving the 35*s*. in all cases above; and he believed the effect would be, beyond that, to relieve almost all transfers where there was a further sum borrowed. He should propose to reduce the duty on memorials from 10*s*. to a uniform duty of 2*s*. 6*d*. With regard to the "progressive duty," or duty on "followers," a duty of 20*s*. or 25*s*. on all skins after the first—which fell very heavily upon long conveyances—he should propose to reduce it to a uniform duty of 10*s*. There were some minor points, but he need not then go into all the details. He should propose to allow the Commissioners of Stamps, upon a deed being brought to them, to settle what the amount of stamp should be, and that the payment of an additional 10*s*. should make that stamp sufficient, in all courts of law, and that the deed should be deemed duly stamped. At present the Judges were not bound by the opinion of the Commissioners of Stamps; by these means perfect safety could be obtained. He would beg before he concluded to read one other extract, because it showed the opinions of very high authorities upon the subject. It was from the Incorporated Law Society of London. They stated—

> "The council are glad to find that there is a disposition on the part of the Government to reduce the *ad valorem* duty on mortgages to 2*s*. 6*d*. per cent. The council are decidedly of opinion that with these alterations and amendments, and assuming the *ad valorem* duty on conveyances to be fixed at 20*s*. per cent, and on settlement of personal property and of money, charged on land and immediately raisable, at 5*s*. per cent, the Bill will operate most beneficially for the interests of the public in general, and will effect a very equitable and considerable reduction in the stamp duties payable on mortgages and conveyances of small amounts, to the great advantage and relief of the classes on whom these duties have hitherto fallen in a very disproportionate ratio."

This, he believed, would be the general feeling when the Bill came to be more thoroughly understood. He should propose to move that the Order of the Day for the Committee on the Stamp Duties Bill be discharged; as there was a slight raising of the duty in one or two cases, he had to take that course; and if the House would permit him to go into Committee on Monday, and vote the resolution to found a Bill, they could make any further reduction in Committee on the Bill if they thought necessary, and that course would enable the Bill to be printed and circulated next week. He believed the Bill would effect a valuable improvement, remove a great deal of doubt and difficulty upon this subject, and prove acceptable to the country. The loss to the revenue, he believed, would be 300,000*l*., but very great relief would be given to the smaller proprietors.

Committee on Monday next.

PARLIAMENTARY VOTERS (IRELAND) BILL.

Order for Third Reading read.

MR. HATCHELL moved the Third Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

SIR J. B. WALSH moved that the Bill be read a third time that day six months. At the passing of the Reform Bill, in 1832, a guarantee was given that the measure would be final, and that that great settlement of a constitutional question should not be again disturbed, and a door opened for fresh changes. When the measure of the Government was laid on the table of the House, it was sufficiently apparent that it was not merely as a remedy for the old law, but an entire departure from all the principles of the Reform Bill, and that it was calculated to introduce a vastly more democratic system. Those who acted with him, therefore, felt that they must oppose the principle of the Bill. They might have done this at the second reading, but they wished to be conciliatory, and preferred the perhaps somewhat hazardous and equivocal course in permitting the Bill to pass the second reading, in the hope that in its progress through Committee the portions of the Bill which were objectionable on account of their revolutionary tendency might be amended or expunged. One of the clauses was shown to be so objectionable that the noble Lord at the head of the Government had at one time almost made up his mind to reject it; but in a few minutes his opinions on that subject underwent a revolution, and the consequence was that the Bill came out of Committee without any essential alteration. He, and those who acted with him, were therefore bound to come forward now and take the sense of the House upon the Bill. He would now point out the state of the constituencies as intended by the Reform Bill, the state of the constituencies in their present reduced condition, and the effect which this Bill would have upon them if, unhappily, it became law. He had taken all the counties of Ireland, and placed opposite each, in one column, the number of voters in 1837, the year when they reached their culminating point; in a second column he had given the number of voters in 1849, when they were considerably reduced; and in the third column the number that would exist if the Bill before the House passed. He would call the attention of the House to a few of those counties, to show the sweeping change which this Bill would effect. In the county of Antrim the number of voters in 1837 was 4,032; in 1849, the number diminished to 1,314; but this Bill would have the effect of increasing them to 18,592, nearly seventeen times their present amount, and upwards of four times as many as the constituency created by the Reform Bill. In Limerick, the voters, in 1837, amounted to 3,280; in 1849 they were reduced to 1,096, and the Bill would increase them to 14,163, which was fourteen times greater than the present constituency, and five times greater than that of 1837. In Tipperary, the constituency in 1837 amounted to 3,135; in 1849 they were reduced to 1,157; but under the new Bill they would be increased to 18,959, exclusive of those who were voters by virtue of other qualifications not created by the measure. The aggregate number of voters in Ireland, in 1837, was 80,286; these were reduced in 1849 to 33,842; and would be augmented by the Bill to 334,771. Hon. Members on that (the Opposition) side of the House would be perfectly willing to sanction a large and liberal measure to extend the constituency on the basis of the Reform Bill; but, because they thought the number of electors should be increased from 34,000 to 80,000, or even 100,000, they could not consent to a measure so sweeping as one which should at once increase the constituency to 335,000. Let him call the attention of the House to the average constituency created in Ireland by this Bill, as contrasted with the constituencies of England and Wales. The average of the constituencies in Ireland, in 1837, was 2,508; that was reduced to 1,057, but would be increased by the present Bill to 10,461, to which 1,000 might be added for existing qualifications, making altogether an average constituency of 11,500, while in England the average only amounted to 6,700; and if a few great constituencies, such as Middlesex, the West Riding of Yorkshire, and South Lancashire were omitted, the average would be reduced to 5,590. The average number of constituents in the counties in Wales was little more than 3,000, and in Scotland not more than 1,500. The effect of the Bill would therefore be to give to the Irish constituencies an amount of voters that would exceed in a vastly increased proportion the constituencies in England and Wales. To adopt such a Bill would be to lose sight of every principle of property qualification, and launching the whole country, under our present critical circumstances, on a new career of revolutionary changes. He objected to the Bill on account of the 8*l.* rating clause, the joint occupation clause, and in a minor degree to the compulsory registration clause. He thought the poor-rate test of qualification decidedly objectionable. The compulsory system of registration would be putting a premium on the cottier system, which had already produced so much mischief in Ireland, in consequence of the minute subdivisions of land that had sprung from it. The joint occupation clause would have a similar tendency. Families would accumulate without the means of self-support; and if the country were at all disturbed, it would be hazardous to dispossess them. It could not be denied that a large class of voters would be created by this Bill, who would not be qualified by their position or education to exercise an independent judgment in these matters. The power which the Bill would create, must, however, be exercised by some party; and by what party would it be exercised? He was aware that some hon.

Friends of his, hon. Members of that House, considered that the democratic tendencies of this measure were more apparent than real, and that the influence of the landed proprietors of Ireland was more likely to be increased than destroyed by it. He believed that nothing was more difficult than to estimate the probable effects of this vast change; they altogether transcended the limits of human sagacity. He, however, believed that those changes would be at least as great as the authors of this measure contemplated. But he begged its authors to take warning from the fate of the Provisional Government of France, who owed their election to the introduction of the principle of universal suffrage. Much of the power which this measure would create, would no doubt be exercised by the landlords of Ireland; but it was also quite manifest that a large share of it would be influenced by the Roman Catholic priesthood of Ireland. The Government, introducing this Bill, proposed to light up again that flame of political agitation in Ireland which it was hoped had been altogether extinguished, and which the Earl of Clarendon had so eloquently and forcibly denounced as the great evil of that country, and the great obstacle to its improvement and progress. This Bill would be a new element of discord in that already distracted country. Did the Government think that it would have the effect of strengthening the influence of the Protestant and Established Church in Ireland? Did the noble Lord at the head of the Government think that it was wise to administer an additional stimulus to the agitation of repeal? He (Sir J. Walsh) had endeavoured to point out the many changes which this measure went to create in the constituency of Ireland, and to show that it was a departure from all the tests which regulated the Irish Reform Bill. He had endeavoured to show the baneful influence which it would exercise upon the social relations of that country. He had endeavoured to point out the manner in which they were about once more to excite that political agitation which, as it appeared to him, had been so prejudicial to the best interests of Ireland; and having expressed his opinion on these subjects, he must now strongly press upon the attention of the English Members of that House that this was not more an Irish than an English question. Was it possible to believe that when so large a stride was taken in the path of democracy in the sister country, when the franchise was indefinitely extended to so large and so poor a class—a class so inferior in circumstances to those who possessed the franchise in England—could it be supposed that the precedent would not be followed with regard to England? He was rather curious to know what answer the Government would make to applications made in this country for an extension of the principles of this measure to England. He thought that this above all others was the time in which a bold resistance should be offered to the further progress of democracy. On looking to the Continent, or wherever they found democracy in the ascendant, they found that as regarded its professed attempt to promote the happiness, enlightenment, prosperity, or liberty of mankind, it had proved to be a most deplorable failure. They had but to look around them and see that democracy, instead of being an angel of liberty, was but the grossest form of despotic tyranny. [*Cheers.*] From the ironical cheers with which he had been interrupted throughout his observations, he concluded that there were many hon. Gentlemen on the opposite benches who entirely concurred in his views of the tendency of this measure, but their opinions were the most opposite as to the character of its probable effects. He maintained that this was a complete overthrow of the original Reform Bill of 1832. Those hon. Gentlemen to whom he referred would most probably observe, "So much the better." It would tend to the destruction of the Irish and English Established Churches; and in reference to that anticipation of his they would also no doubt say, "So much the better." Nay, they would probably go farther, and express their congratulations on its probable tendency entirely to alter the form of our constitution, by putting an end to its monarchical and aristocratical elements. He agreed with them as far as their calculations were concerned, but he dissented entirely from the desirableness of such vast changes. But there was another class of Members who were entirely opposed to those changes, but who, unfortunately, shrunk from acting upon their opinions and convictions, because they fancied that by opposing this measure they might bring about some political crisis. He would tell them that they had better let the crisis come. He would tell them that they stood now in a very different position from that in which they stood in the year 1832. At that time the cry for reform was irresistible, not merely because it was enforced by the majority of that House, but because it was demanded by a vast majority of the people of this country. He would tell them that that feeling was spent; that now there was "a reaction"—a word so formidable to the right hon. Baronet the Member for Ripon. He would tell them that a House of Commons of which the Prime Minister dare not recommend the dissolution ceased to be omnipotent. They were told that if the Ministry should be defeated on this measure they would resign; and they were told that, if the Ministry did resign, there was no party to succeed to their places. They had even been threatened that if there should be a resignation of the Ministry, there was a great probability that the hon. Member for Manchester, or the hon. Member for the West Riding of Yorkshire, might be called upon to form a government. Well, in reply, he would say that such apprehensions were idle. He was quite sure that the present condition of the country was such, that if either of those hon. Gentlemen did, under such circumstances, form a Ministry, it could not last for six hours. He (Sir J. Walsh) was by no means desirous of causing the present Ministry to resign; but he would not purchase the continuance of their political existence by consenting to pass such a measure as this. There could be no difficulty in such a political emergency as was dreaded by some timid people, of finding men of sufficient ability to undertake the administration of the country's affairs. There were times when boldness was the wisest policy; and it appeared to him that the present was such a time. In proposing that the Bill be read a third time that day six months, he did sanguinely hope that, whatever might be the result of his Motion, the Bill in its present shape might not become the law of the land.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. E. B. ROCHE confessed that he was much surprised at the opposition which, at the eleventh hour, the hon. Baronet on the Opposition benches had thought fit to offer to the passing of this tardy measure of justice to Ireland. But if he was surprised at that opposition, he was still more surprised at the reasons which the hon. Baronet had adduced in support of the Amendment just proposed to the House. He (Mr. Roche) must confess that those reasons were amongst the best that could have been offered in support of this measure. The hon. Baronet first showed to the House how puny and miserable was the franchise granted by the Reform Bill; and it should be remembered that that franchise was obtained by the most disgusting swearing in the Registration Courts. That franchise up to the present day had not been properly defined in Ireland. In one county it was decided in one way, and in another county in another way; and there had even been conflicting decisions on the question by Committees of that House. The hon. Baronet then proceeded to show how the Irish constituency was cut down by the calamities of the last few years; and he (Mr. Roche) must add that the constituency had been still further diminished by the refusal of the Irish landlords, on political grounds, to give leases to their tenants. In fact, so diminished had the constituency of Ireland become, that many in that House and out of it had cried shame upon the Government for allowing Ireland to be so degraded in the political scale. And then the hon. Baronet proceeded to admit that something ought to be done to remedy the evil; but then he turned round, saying, "This, however, is not exactly such an extension of the franchise as I am prepared to give. I would give them something based upon the principles of the Reform Bill;" that was to say, something which should have all the drawbacks and all the vices to which he (Mr. Roche) had briefly alluded. He was surprised at this opposition proceeding from hon. Gentlemen on the opposite side of the House, who professed to be such ardent friends of the Irish people. He wished them to explain for what reason they had declined offering opposition to this measure until that the eleventh hour? The hon. Baronet had spoken in an alarming tone of this Bill being likely to extend the franchise to 300,000 people; but he had omitted to tell them that the population whom that 300,000 would represent consisted of 8,000,000. If the franchise were extended to 300,000 people, the hon. Baronet contended that they would upset the Irish Church. But that surely was a most imprudent objection to make to the measure. Hon. Gentlemen opposite then really did admit that the Irish Church stood in the way of the enfranchisement of the Irish people. Could any argument be brought forward which would have a tendency to make the Protestant Church of Ireland stink more than it stunk at present in the nostrils of the Irish people, than the very argument offered by the hon. Baronet? The hon. Baronet, he thought, was also indiscreet in this, that he had furbished up the old arguments about priestly influence in elections, which had been offered over and over again *ad nauseam.* He would give the hon. Baronet a recipe for that influence, and it was this--let him join with the hon. Members on the Government side of the House in giving the ballot to Ireland. However disparagingly the hon. Baronet might choose to speak of the Catholic clergy of Ireland, he would tell the hon. Baronet that he, as an Irish landlord, and as a representative of the Irish landlord party sitting on the opposite benches, owed more than he or his party was willing to admit to the Catholic priesthood of Ireland for the preservation of the property and even of the peace of Ireland. But agitation would and ought to exist in Ireland until the people had conceded to them their just rights. Virtually it was hon. Gentlemen opposite who were the agitators of Ireland. He trusted that the House would adopt the measure by a large majority, and he cordially thanked the Government for having proposed it.

Viscount BERNARD could not understand the hon. Member's astonishment at the opposition which the Bill received at that side of the House. It should be remembered that when the Bill passed a second reading, no time had been allowed for the expression of a fair opinion upon that most important subject. When the right hon. Baronet the Secretary for Ireland introduced some measures last year, he had stated that the time had arrived when it was absolutely necessary to bring forward the same, and that they ought no longer to be delayed. Now he would ask the right hon. Gentleman was this the time to bring forward such a measure as that then under discussion? Let the House just consider what was the position of the country at the present moment? One would think that when a new Franchise Bill was proposed, that the country was entirely free from distress; that there would have been demands for such a Bill; that public meetings would have been held; and that the table of the House would be loaded with petitions in favour of such a proposition. No such thing, however, was the case. There was a perfect indifference in the country on the matter. No meetings had been held, no petitions signed—not a single petition had, he believed, been presented in favour of it. He opposed the present measure, because he believed it not only dangerous to Ireland, but also not less dangerous to the United Empire than to Ireland; and also because he did not believe it was a sincere measure. He believed, as had been already said by an hon. Member on a former occasion, that it was merely a getting in of the small end of the wedge in Ireland, with the view of bringing forward in the next or the succeeding Session a similar measure for England. He believed the real question was, that parties opposite were afraid of the results of a dissolution of Parliament in Ireland, where the opinions entertained of their free-trade policy were such, that in case of a general election some 40 or 50 Members pledged to a different course of policy would be returned from Ireland opposed to them. Now, with respect to the ballot, as alluded to by the hon. Member who spoke last, he would just observe, that although it might defy the temporal influence of the landlords, it could not meet the spiritual influence of the priests—an influence which had already done so much mischief in that country. And the reason why he opposed the present Bill at an 8*l.* franchise was, that it was an utter violation of the principle of the Roman Catholic Relief Bill of 1829, by which the franchise had been altered from 40*s.* to 10*l.* Here, then, it was proposed at once to break a national compact, entered into with every distinctness, and by which they were bound according to every principle of national faith and national honour. That such was the understanding could be clearly shown by a reference to a few documents with which he would trouble the House. The right hon. Baronet the Member for Tamworth, speaking in the year 1841 on Lord Stanley's Motion, had used the following language:—

> "It is perfectly notorious that in bringing on the Relief Bill we had to contend with the scruples of the Sovereign under whom we were acting. We brought forward that Bill in 1829. In the preceding year, the House of Lords, by a majority of 40, had refused to enter into the consideration of it. We brought forward the measure, and it was perfectly understood that one condition of the Relief Bill was, that the constituent body of Ireland should, if possible, be made an independent constituency—that the 40*s.* freeholds should be abolished, and a 10*l.* franchise substituted. Sir, it was on the faith of that condition that the Bill was acceded to; and I have not the smallest doubt that

but for it the Bill would never have passed. It was that condition which induced many to give a reluctant consent. The noble Lord will surely not deny it, because the noble Lord in 1832 refused to alter the franchise provided by the Reform Bill, on the ground that it was part of the contract entered into at the passing of the Relief Bill. Such were the noble Lord's expressions; and he knows perfectly well that the Relief Bill would not have passed if the abolition of the 40*s.* freeholders had not been granted."

Thus it would be seen that the proposition contained in the present Bill was a direct infringement of the understood compact formerly entered into. Mr. Spring Rice (now Lord Monteagle), speaking of the effects of Committees of Inquiry into Irish matters, had given the following opinion:—

> "But I perceive that hon. Gentlemen seem to doubt whether all this inquiry has led to any practical results. One reference will meet this objection, and meet it triumphantly. The Committee of 1824 and 1825, on the state of Ireland—that Committee which I consider we owe to my noble Friend (Lord Althorp)—it was to the evidence taken before that Committee that we owe the success of the Roman Catholic question. The evidence taken before the Committee contributed more than any other cause to remove the doubts and prejudices which had previously existed in the public mind with respect to the propriety of conceding Catholic claims."

He would trouble the House also with another extract from the evidence given by Mr. A. Blake, on the subject of raising the qualification for the franchise. That gentleman was asked—

> "Do you think that raising the qualification for the exercise of the elective franchise, if it was accompanied with the settlement of the great question you allude to, would be very unpopular with the body of Roman Catholics?—My opinion is, that it would not; it is possible that against that, as against everything else, a cry for a moment would be raised, but I do not think that any permanent feeling of discontent would be produced by it.
>
> "Do you think that such an arrangement would be injurious to those fair interests which the Roman Catholics are entitled to have in the country?—My notion is, that the Roman Catholics ought not to have an interest according to their numbers but according to their property."

The following also were the questions asked of, and the answers given by, the late Mr. O'Connell on the same point in the year 1825:—

> "Do you think that raising the qualification to 10*l.* would be productive of great benefit to Ireland?—I think it would be productive of benefit. It is, in my humble judgment, no small benefit if you get rid of any portion of perjury, and it is the commencement of what we want so much in Ireland, a substantial yeomanry. At present, the population is too much divided between the very highest and the very lowest class."

He did not know whether he would be at liberty to refer to an extract from the *Annual Register* of that period, to show what had been the understanding on the granting of Catholic Emancipation. He would, however, read a passage from the *Annual Register* of 1829:—

> "The Bill which admitted Catholics to the Houses of Parliament and to all offices of political power and trust had been accompanied throughout its whole progress by another Bill for disfranchising the whole body of 40*s.* freeholders, and raising the qualification of an elector to 10*l.*"

Again—

> "They (the Ministers) admitted that to raise the qualification would be an effectual remedy, and that Parliament was competent to apply that remedy; but they would not ask Parliament to apply it without providing a substitute in the form of unlimited emancipation for the political privilege which was to be abolished. The two measures were to support each other. To the one party it was to be said, emancipation is the only condition on which we agree to disfranchise, and to the other disfranchisement is the only condition on which we shall agree to emancipate."

The general opinion of the witnesses examined had been in favour of raising the francise to 20*l.* He was opposed to the present measure, moreover, because it destroyed the distinctive property franchise which had been from time immemorial the franchise of this country. He was sorry the noble Lord at the head of the Government was not in his place. It was strange that the present question had never been discussed in that House since 1841, and when in the course of the debate upon it all the Members of the Ministry had voted in such different ways. There were Lord Howick, now Earl Grey, and the present Chancellor of the Exchequer, voting against the present head of the Government. What was the noble Lord's the First Minister of the Crown's opinion in 1841 on the question? He said—

> "I am glad that before we proceed further with the details of the Bill, the sense of the House shall be fairly taken as to whether a profit shall be considered a distinct mark of the county franchise; and I do entreat hon. Gentlemen carefully to consider what will be the effect on the constituencies of England, and on the franchise of England, if they consent that mere occupancy in Ireland shall determine the county franchise."

Such had been the noble Lord's opinion in 1841; and he had not since stated his views during the progress of the present measure. He trusted the House would excuse him while he read the opinion of Lord Morpeth also in reference to the same subject:—

> "I know that there are some who are for fixing

> the franchise purely on rating without any reference to tenure, making the right of voting entirely independent of the period of the interest which the occupier has in his holding; and I know that one or two very plausible reasons may be stated in defence of that principle. But I think it would be a novel principle in a constitutional point of view."

And he would add to that the opinion of a distinguished individual now unhappily removed from the scene of his labours and professional and political triumphs—he meant the late lamented Sir William Follett:—

> "He objected to this Bill as altering the principle of the Reform Bill by not requiring any property as a qualification for voters in counties. It was also objectionable, because it was a direct violation of the condition which accompanied the Bill for Roman Catholic relief, which imposed and required a 10*l.* franchise in Ireland."

He had quoted thus far and at length the opinions of so many hon. Members of that House, which they had delivered in 1841, when that question was solemnly and deliberately considered. Let him say, then, one word for himself. If they adopted the principle of making the county and borough franchise the same, he cautioned them to think where they were to stop. If they went on to this length they would perhaps be obliged to advance to the establishment of the Chartist principle, and divide the whole country into electoral districts. It was necessary the House should bear in mind the influence the towns would exercise over the county constituencies. There was another consideration. They had a qualification of 8*l.* occupiers in counties and towns. But how were they provided with the franchise? It was a provision that they paid their poor-rates; but how could they secure an honest board of guardians to carry that out? There was another thing to which he had to call the attention of the House, namely, the valuation in Ireland. He had often put a question relative to that subject, but had never been answered. It could not be answered, because the valuation differed materially in different places. In some localities it had changed, in others it was changing. Another objection which he had to that Bill was, that it might place any one acting like himself in the capacity of the chairman of a board of guardians in an invidious position, inasmuch as it might subject him to the imputation of being influenced by political motives on decisions which he might make. He confessed he looked upon that measure with great apprehension, because the present was a time when peace ought to be established in Ireland. He agreed with the hon. Baronet who proposed the Amendment, in his approval of the policy which the Earl of Clarendon had laid down for the government of Ireland, as expressed in a letter which that noble Lord had written, and to which he would beg to call the attention of the House. In a passage in that letter the noble Earl had written—

> "But still this country has been too long trained to a system of agitation to be at once weaned from such a course, and nothing but a continued enjoyment of that peace which the absence of all political excitement has now created, the improved habits it will generate, and the social advantages it will not fail to produce, can save the land from wasting her energies in the strife of rival factions, instead of exerting them by industry for the improvement of the country. It is to secure for Ireland this continued repose which is so vitally essential to her prosperity—to protect the country from the renewal of an agitation for objects that cannot be attained, and which, for many years, has disturbed its tranquillity—scaring away capital, destroying confidence, and rendering impossible the steady application of industry, that I desire strongly to impress on Her Majesty's Government the importance of applying to Parliament for a renewal of those powers which the 11th & 12th Vic. cap. 25, placed at the disposal of the Executive Government in Ireland."

Such were the sentiments of the present Lord Lieutenant of Ireland. With respect to the present Bill, he (Viscount Bernard) further opposed it because it was calculated to revive the dying embers of faction and political disunion in Ireland, and because it threw another apple of discord into the arena of the contending parties in that country. He would ask them was the course the Government were now pursuing, in taking a leaf from the political book of the noble Lord the Secretary for the Colonies, a wise one, with regard to this country? Was the example of the Cape of Good Hope not a matter to be studied and considered? He thought the proposition of the Government would tend rather to retard that improvement of the social condition of the country, which was so essential to its existence, than advance it. It was desirable to encourage large capitalists from England to invest their money in that country; but they would not do so when they were told that the political privileges they enjoyed here would be swamped by the number of voters that might be about their farms. It should be borne in mind also how unfairly property was treated by the Bill.

SIR J. YOUNG could not say that he

approved of the 8*l.* franchise, but there was a great difference between it and the 40*s.* franchise; the 40*s.* freeholder of past times was the occupier of a cottage with one or two acres of ground, protected, as it was called, by a lease, which perpetuated his poverty, and entailed it on his children. There were points in the present measure in which he could not concur, and he did not wish to see it carried in its present state; but as he had been overruled upon these questions, he could not concur in the doubtful and desperate policy of calling upon the House to reject it entirely. He regretted that the House had agreed to the 2nd clause, relative to joint occupancy, because he thought it would open the door to great abuses. If fairly acted upon, it was immaterial and of little effect; if otherwise dealt with, it would lead to fraud, and above all to that most prevalent evil in Ireland, the practice of subdividing holdings, which injured the agriculture of the country, and rendered the pauperism of the family, whose holding was subdivided, certain and irretrievable. The valuations for poor-law purposes were certainly not such as could be safely relied upon; they were unequal in many parts of Ireland, and they were complained of as too high for the present times and present prices in many places; but this difficulty admitted of an easy remedy, which might be surmounted by a little exertion. The townland valuations would form a sound basis for proceeding upon. The 8*l.* franchise would admit a class of voters who were not possessed of property; in the country districts it would admit of the occupiers of about eight acres of land—a class of persons who had felt and caused more misery than any other during the late famine in that country. They it was who had clung to their holdings, which they could not cultivate; and, being unable to do justice to the land, support themselves, or meet their engagements with their landlords, they had inflicted loss in all around and above them, and eventually filled the workhouses and the whole country with destitution, sickness, and dismay. If the object of this measure were really to carry out the intention which the Legislature had in passing the Reform Act, he considered that a 12*l.* rating would effect that object more fairly than the 8*l.* rating which was adopted in this Bill. The county which he represented, for instance (Cavan), had a constituency of 3,400, after the passing of the Reform Bill, when almost every person who was entitled to the franchise was placed on the registry. But the 8*l.* clause would give 9,000 electors to that county; a 10*l.* rating would give 6,000 electors; and a 12*l.* rating would give 4,500, which approximated to the number which the Reform Bill gave. A 12*l.* franchise would have fully met the wants of the case in all parts of Ireland, and it would have left the franchise in the hands of a more respectable and independent class of voters, which was more important than mere numbers. As, however, the House had decided by a great majority against him, he would not undertake to oppose a Bill which contained principles that he considered essential to the prosperity of Ireland. The franchise disconnected from tenure by lease was well adapted to the genius and habits of the people, and was calculated to produce favourable results. The registration under this Bill had been objected to as compulsory; but he hoped the Government would adhere to this valuable portion of the measure. The self-acting registry was the only means of preventing those practices by which the electoral body had been, as the hon. Baronet the Member for Brecon stated, stricken with paralysis. Omit it, and the people would, as they had been, be in future induced or compelled to disfranchise themselves. All moderate opinion would be eliminated, and none but the tenants of ambitious landlords on the one hand, or the tools of agitating clubs on the other, would possess the right to vote. The Bill had been denounced as revolutionary, and as threatening the existence of the Established Church; but he doubted whether such consequences were likely to ensue. Recent events had drawn more closely the interests of landlord and tenant in Ireland, and it was probable the disposition on the part of the tenants would be to give one vote to the landlord, and to reserve the other for their own choice. If such were the case, it would be, as all must admit, a happy and beneficial compromise. For a long time it had been boasted that eleven-twelfths of the surface of Ireland were in the hands of Protestant proprietors. Recent events, and the operation of the Encumbered Estates Commission—700 estates in the market—had shown by how frail a tenure a great part of these possessions had been held. Already the wealth of the Roman Catholics equalled that of the Protestants in Ireland; in intellectual endowment none pretended they were inferior; while in number they preponderated threefold. Under such circumstances, no British Minister would venture to propose, and no British House of Commons would ever carry, a measure to curtail the Roman Catholic majority of their fair share and proportion of political power. Nor did the vast mass of the Protestants desire it; all they wanted was equal toleration, and the power of exercising that industry for which they were remarkable, without impediment, and under equal laws. As for the Established Church, none would go further than himself to maintain her in all her possessions and immunities. But she was never, as he believed, in less danger from external attack than at this moment. She stood strong in the truths she inculcated, strong in the renewed and increasing activity of her ministers, and strong in the sympathy and support of numerous and powerful bodies in this country: if only those who stood in her high places, and those to whom her Parliamentary interests were confided, would consult for her interest, she might be placed in a situation of safety for generations to come. Would it not be wise to withdraw her from positions that invited attack? Might not some happy middle term be devised to silence the dispute about ministers' money? It was also desirable, he thought, not to put forward a claim for a separate exclusive grant for education, elevating a mere demand for money into a principle, and perilling great stakes for paltry advantages. There were other things, but he forbore to mention them, except only that the estates in the hands of the Ecclesiastical Commission appeared to be managed as no man would wish to see his friend's estate managed. But apprehensions had been expressed, and dark pictures drawn, of the paramount and undue influence of the Roman Catholic priests. No doubt they wielded formidable power; but under what circumstances and with what views? Let the House recollect that Ireland had been widowed of her natural protectors by absenteeism. The people were in the habit of recurring to their priest for advice and assistance; and, perhaps, he exercised the more influence on them, inasmuch as he was usually drawn from their own ranks, and was not very much above them in worldly circumstances. The views and interests, the fears and hopes, of the priest and his flock, were identical; and why, then, was their union considered strange, or his influence unnatural? Precisely the same union and influence in other countries had frequently been the subject of approbation and applause by the best Protestants in England. When the peasants of La Vendée entered upon their struggle with the revolutionary Government of France, the priests took part in the contest, and their united action was the theme of universal praise. In the war in Spain, the priests and the people were again in concert; but was that union the object of censure here in England? On the contrary, all parties in this country united in their sympathy and approval. The events of the last few years—the famine and misery of Ireland—the munificence of England—had greatly changed men's minds in Ireland; every year the union was more and more closely cemented by a thousand ties. The recognition of their position in society by the Charitable Bequests Act had gratified the Roman Catholic hierarchy. The wise and righteous policy indicated by making Maynooth a national institution had drawn the Roman Catholic closer to England, and awakened feelings of deep and lasting gratitude; but reference had been made to meetings and existing agitation: why, what was passing inspired confidence, and showed the people were rather bent on material improvement, than on speculative reforms or anarchical experiments. Now, what had been the topics prominently discussed at recent meetings in Ireland? Questions affecting the poor-law, about which most concur, and all complain; tenant right, by the Presbyterians in the north, and, in a more modified shape, by Roman Catholics in other parts of Ireland. If a whisper about establishing the Roman Catholic Church had been breathed, it had taken the shape of a half-whispered suggestion that the Roman Catholic clergy should be furnished with glebes. Whatever the objects, there was not the least desire in any persons' minds of obtaining them by other than peaceful means: who feared that the Presbyterians of the north, would resort to other than constitutional means? If the effect of this Franchise Bill should be to place the tenant-right question in a clearer light, and advance its solution, by argument, by explanation, by concession on the one side and the other, he should not look upon it with disfavour; nor did he feel the least alarmed at the prospect of a Roman Catholic priest provided with a suitable residence and small farm in every parish in Ireland. Another view which inclined him to think well of this extended franchise, was its probable future effect on the spirit, the industry, and the self-reliance of the people. The mode in which the free constitution of England had acted in strengthening the energies and raising the character of the people, was the theme of every historian and philosopher. All attributed England's successes in war, and her unexampled career in arts and commerce, to the individual energy of the people, fostered and ennobled by personal security and the habitual exercise of political rights. But these blessings had only recently fallen to the lot of Ireland. She had no centuries of recorded freedom to boast of. How could self-reliance spring up where the meanest political franchise was not conceded till within the memory of men still living—till the year 1793? How could industry flourish where the possession in fee of land—the sole means of enriching one's self in a purely agricultural country—was until seventy years ago utterly denied to the vast majority of the nation. Looking to the probable effects of time, and the wholesome influences which, under a well-regulated system, might be expected to spring up in Ireland, he was prepared to receive this measure as just, desirable, and well adapted to attain the end it had in view. He was glad to see a system of franchise adopted which was well suited to the condition and habits of the people of Ireland, and which he knew was in accordance with their general wishes. He believed, therefore, that he would best act in the spirit of the British constitution, and most effectually promote the interests of all classes in Ireland, by voting for the third reading of the Bill.

Mr. W. FAGAN: The hon. Baronet who had just resumed his seat, in his most excellent speech in favour of the Bill, had taken exception to what he (Mr. Fagan) considered, if not the principal, at least an essential part of the measure, namely, the amount of rating; and the hon. Baronet based his objection on the ground, that the poor-law valuation was too high. Now, though he (Mr. Fagan) was free to admit that in the present fallen condition of Ireland, after three years of famine, that valuation was for the present too high; he denied that such was the case in the ordinary and not abnormal condition of the country. He would remind the hon. Baronet that it was given in evidence last year before the Poor Law Committee of which he was chairman, that generally speaking the poor-law valuation was one-fourth below the average rents of Ireland; and the hon. Baronet could not but recollect, that the amended poor-law passed last Session, enacted that the tenant should not charge his landlord in every case more than one-half the rate he paid; and that enactment was the result of the evidence before the same Committee, namely, that the poor-law valuation was made extravagantly low in order to place the larger share of the rate on the landlord. He therefore thought that a high valuation was no just foundation on which to base an argument against the amount of the rating. In point of fact, the 8*l.* rating to the poor-law in Ireland was equivalent to a 20*l.* rating in England, and it may be considered a 20*l.* tenant-at-will franchise. His reason for advocating the 8*l.* in preference to a higher rating was mainly to protect the voter from the coercion and oppression of his landlord. The more the franchise is extended, the larger the constituency, the less danger of that coercion being exercised. If the county constituencies are to be limited as the hon. Baronet would propose, then the self-acting registration which now was one of the best provisions of the Bill, would be an evil; for surely if the elector is in danger of being persecuted for his vote, he ought to have the option of becoming a voter or not as he thought fit, and not be put without his knowledge by a self-acting registration in the way of persecution. On these grounds, amongst others, he supported a low rating; and he thought the hon. Baronet had failed in consistency with his own liberal opinions to prove that a higher rating than 8*l.* would be advantageous. He (Mr. Fagan) would now make a few remarks on what had fallen from the noble Lord the Member for Bandon. That noble Lord commenced his address by stating, that this was not the time to bring forward the present measure, on account of the existing distress in Ireland; and he concluded by repeating that it was not the time, because it would reproduce agitation when the country required peace—as if agitation was not more likely to result from the demand, rather than the granting, of political rights. Now he fully concurred with the noble Lord, that no measure should be allowed to supersede their efforts to alleviate the existing distress—to rescue the country from the slough of despond into which it was cast—and to raise the physical condition of Ireland. But while they did so, were they to allow the franchises of the people to melt away—were they to permit without an effort their political existence to terminate? But the noble Lord, in justification of this doctrine, said, that the people were indifferent to the subject—that there were no meetings, no petitions, in favour of the Bill. Now he (Mr. Fagan) denied emphatically that they were indifferent. It was contrary to the feelings, the dispositions, the character of the Irish people to be indifferent to political rights. It was true they have not petitioned, because they felt disgusted at the delay there was in the bringing forward this measure, and allowing it to lie on the table of the House for three long years. There were other reasons why political apathy should hang over them now; but indifference to the extension of the franchise did not exist. The noble Lord stated that the Government pressed on the measure, because they were afraid of a dissolution, when in the present state of the franchise they were sure to be defeated in Ireland, where the people were opposed to free trade. Now if it were true that the Irish people were against free trade, then the extension of the franchise would rather make against than for the Government; and consequently if the Ministers had any such object in view, it must be that they were anxious to extend the franchise, because they were persuaded the people of Ireland were in favour of free trade, as indeed they undoubtedly were. The noble Lord, in the course of his observations, thought it becoming his station to speak of the intolerance of the priesthood of Ireland. He had, with great good taste and good feeling, been already rebuked by the hon. Baronet the Member for Cavan; but he (Mr. Fagan) must be permitted to express his opinion that the noble Lord, to whom he was always desirous to do justice for the zeal and talent with which he discharged his duties as an Irish representative, should make it a point on every occasion that presented itself to come down to that House, and, in his place, disparage and vilify the priesthood of the Irish people. It did not become the noble Lord, or the other landed proprietors of that House, to stigmatise a clergy to whom they were so largely indebted for the maintenance of peace and order, and the preservation of their rights of property. It was the teaching of this abused priesthood that did this, and not the laws, which would be nugatory but for the moral and religious training that the people received at the hands of the Catholic clergy. But he altogether denied the proposition that the people were led in political matters tamely by their clergy. So long as the priests coincided in political views with the people, then they could easily lead them, as was natural, from their superior station and education; but the moment, and he spoke advisedly, the priest deserted the political party of the people, that moment his political influence was gone. The noble Lord was opposed to the 8*l.* rating, and he took altogether a new ground of objection. He said the new Bill was a violation of the Act of Catholic Emancipation—of the national compact that was then entered into; and he attempted to prove this by an extract from the speech of the right hon. Baronet the Member for Tamworth, when opposing the first Irish Reform Bill. Now, though he had every respect for the right hon. Member for Tamworth, he could not consent to admit that his dicta were proof of the existence of a binding compact. At all events the right hon. Baronet had himself long since violated it; for no one now was a more firm supporter of the principle of reform, against which he then contended; and he (Mr. Fagan) ventured to say that if the right hon. Gentleman condescended to address the House on the present measure, he would, notwithstanding that national compact, be found the warmest and most eloquent supporter of the Ministerial Bill. A national compact that would deprive emancipation of all its value by depriving them of the elective franchise! The proposition was too absurd to dwell on. The noble Lord is in favour of what he calls a tenure or property franchise. Let that House pass a law, obliging every landlord to give leases to his tenants, and he would join the noble Lord. He would prefer, then, a tenure franchise to a tenant-at-will one. But so long as the landlord, at his will and pleasure, has the power, by refusing a lease, to deprive his tenant of a qualification, so long will he (Mr. Fagan) object to the proposition of a tenure franchise advocated by Gentlemen opposite. He would now come to the speech of the hon. Baronet the Member for Radnorshire, who opened the debate by moving that the Bill should be read a third time that day six months. That hon. Member commenced his observations by stating that the Irish Reform Act was a final measure—that there should be no alteration in its principle—that the only remedy could be only in its defects, and should be made on the basis of that measure. He further said that though there were three separate Acts for the three kingdoms, still that they were in point of fact one measure. Now this he (Mr. Fagan) denied. The Irish Reform Act was a miserable stunted measure, scarcely worth accepting by the Irish people. It was a stain on the memory of the late Earl Grey—with the power he then possessed—with an overwhelming majority in that House, and also in the Upper House, that he did not give to Ireland a more generous measure. The system of registration alone was so tedious and difficult, that the people threw up the franchise with disgust, for they could not endure the trouble and delay which this system imposed. Then came the judge-made law as regards the beneficial interest, which still further diminished the franchise, until at last the people, fearful of being oppressed by landlords politically opposed to them, on account of the fewness of their numbers, allowed their franchise to melt away altogether. This and the refusal to make leases were the cause of this melting away, and not altogether the material circumstances referred to by the hon. Baronet. When the Bill now before the House stood for second reading, hon. Members opposite called upon the Government to postpone that stage. He then took occasion to state, amidst the jeers of these Gentlemen, that they exhibited a determination to obstruct the measure by every means. Two days after proved his statement to be true. He alluded to the eight divisions on two alternate propositions in Committee, namely, "that the Chairman should report progress," and "that the Chairman should leave the chair;" and now that night they were carrying out the same system of determined hostility. He was glad of this. They now appeared in their true colours. At the commencement of the Session, they assumed to be the friends of Ireland; they came down with a plausible proposition—to transfer 500,000*l.* from the shoulders of the ratepayers of that country to the Consolidated Fund; while they kept back the real object—as it would have been the inevitable result—namely, the imposition of an income tax on Ireland. Now, however, all disguise is cast aside, and they appear as persons having a hereditary claim to be the opponents of the civil and religious liberties of the Irish people. And, after all, ought they not to be content with a tenant-at-will franchise by which they as landlords must of necessity have considerable influence? But, said the hon. Mover of the Amendment, an 8*l.* rating franchise will give a cottier constituency, and it will have the effect of causing a minute subdivision of the land. Now, did not the present system of consolidation that was going on meet this argument, and was it not well to have something to counteract the evil tendency of that dreadful depopulating system? Another objection to this 8*l.* rating franchise was, that it would accomplish what was its object—the overthrow of the Protestant Church. Now, he did not find that when the Irish people were deprived of their civil rights that the Protestant Church flourished. On the contrary, its influence diminished, and the members of its flock decreased, and he did not see how an opposite course of policy would produce a similar result. His opinion was that, in proportion as the people obtained equal rights, in such degree would they be inclined more to respect the religion of their Protestant countrymen. Of course the Church temporalities were a different consideration. To them they were opposed, and no one would pretend to say that the curtailment of these temporalities would injure the Protestant religion. Now, let him contrast the franchise in England with the franchise proposed to be given to Ireland by the present Bill. The English Reform Bill, it is said, is to be amended next Session. The franchise is to be extended. The noble Lord the First Minister of the Crown has admitted that the working classes in this country had not a sufficient voice in the representation. Still, how does this defective and about-to-be-amended Franchise Act contrast with the new and final—or at least for some years final—registration measure now before the House? In the rural population of England, numbering nine millions, there are half a million of voters, and these could be easily swelled by the agency of the 40*s.* freehold franchise to one million; and in Ireland, under this new Bill, the rural population, numbering nearly seven millions, will have but two hundred thousand voters. This is, then, the measure the Gentlemen opposite now oppose as too sweeping—too extensive. They do it for a purpose—to encourage the other House of Parliament to reject the measure. They think they can do so now with impunity, for the Irish people are stricken down. But let them recollect that the worm will turn when trod upon, and let them not try the patience of the people too severely.

At all events, let them no longer appear in the assumed garb of the friends of the Irish people.

MR. NAPIER would support the Amendment, because the measure was not in harmony with the constitution of England, and because it violated the Reform Bill of England and Scotland. In the case of towns it was quite right that some change should be made with respect to joint occupation; but in counties, where there was an inferior class of occupiers, it was quite different. If each partner in the occupation had a share equal to 10*l.* a year, there might be no objection to his having a vote, for then an independent class of electors might perhaps be secured; but the second clause of the Bill would have the effect of giving three votes to partners occupying a tenement valued at 30*l.* a year, although the interest of two of the partners might not be more than 40*s.* each; while a person paying a very high rent and having 1,000*l.* in the funds would only have one vote. The 4th of George IV., c. 36, was passed for the direct purpose, as stated in the preamble, of removing the facility of multiplying qualifications, of a colourable nature, to vote for Members of Parliament as contrary to the spirit of the law and the constitution. The present Bill would enable persons—contrary to the spirit of the constitution—to vote for Members of Parliament, although they had no right whatever to do so beyond the mere fact of occupation. Could that be called an independent constituency? If they believed that such parties would give an independent vote—if it was thought that they would exercise a fair and independent judgment, and that the power about to be conferred upon them would be wielded for the advantage and prosperity of the country—then let the House vote for the Bill. But what was it which had always been acknowledged to be the great curse of Ireland? Was it not that everything in that country had been made primarily subvervient to political and party purposes? The influence of the priests had always been admitted to be too great over the 40*s.* freeholders, and on that account the 40*s.* franchise had been abolished in Ireland. Were they now, in defiance of past experience, to transfer by this Bill a similar description of voters into the hands of those who had the power to move the masses? The late visitation in Ireland had been regarded by many as a providential interference for the purpose of allowing Irish society to be reconstructed according to the wisdom of past experience. What was admitted on all hands to be required was a substantial class of farmers—of men who could effect improvements in agriculture. It was necessary to introduce a new and independent yeomanry into the country. Would that desirable state of things be accelerated by an enactment, the tendency of which would be to make the land subservient to political party purposes. If they were going to parcel out the land to 8*l.* tenants, would not that render Ireland subservient to political party purposes? With respect to the Established Church, he had no fears for that institution. It had a strong hold on the affections of the people, and there was no danger of its permanent prosperity. This clause was at direct variance with the professed policy of measures lately passed for Ireland. The clause was calculated to bring us back again to that old system from which most of the evils had sprung. How did this Bill contrast with the high constitutional spirit of the Bill brought in by Lord Stanley? Lord Stanley's Bill left the franchise as it found it, but it provided for a proper system of registration, and gave an appeal from the decision of the revising barrister. This Bill left no sufficient power of appeal. Under the old system, registration could take place four times a year; this Bill provided for one registration in the year. "Oh, but," said an hon. Gentleman, "under the old system there was such disgusting perjury!" But the hon. Gentleman seemed to forget that it was an inferior class of persons whom he now expected to set everything right. Ireland was not the place to try this experiment. The people of Ireland did not care one farthing about the franchise. ["Oh, oh!"] He would say, without fear of contradiction, that in many parts of Ireland they did not care one farthing about the franchise. What they wanted was employment and agricultural improvements. They wanted bread—not a stone of this description thrown to them for the mere purposes of party. He did not oppose the second reading of the Bill, because he thought it might be improved in Committee; and if the second clause had been omitted, and the qualification raised to 12*l.* or 15*l.*, the main cause of his opposition would be removed. This was not an Irish measure, it was an Imperial measure, for they could not affect the representation of any one part of the empire without affecting the whole. He thought their great object should be to identify Ireland as much as possible with England, and, in order to do that, one unform system should be adopted for both countries. On these grounds he should support the Amendment.

MR. SHEIL: Sir, the hon. and learned Gentleman has condensed his logic and his emotions in a single sentence. He said, "You are giving power to those who can move the masses." It is, I think, a signal misapprehension to imagine that the natural and legitimate influence of property will be detrimentally affected by a measure by which, as the hon. Baronet the Member for Cavan has observed, the clause commonly called the Chandos Clause will be extended to Ireland in a form far more ample and comprehensive than that in which it exists in this country. It is enough to state that a tenant-at-will, rated at 8*l.*, will be polled in the presence of his landlord. This great change would give an undue preponderance to the landed interest, if the independent householder did not produce a counterpoise to the subservient cultivator of the soil. How monstrous would be the anomaly if their aspirations should unhappily be realised by whom it is most intently but most injudiciously desired that a minimum qualification should be adopted at once sufficiently high, yet low enough for their purposes; sufficiently high to exclude the great majority of householders of the country towns from the county constituency of Ireland, yet low enough to let in a large mass of acquiescent vassalage by an expansion of the Chandos Clause! The occupier of land rated at the pseudo-Conservative minimum, whose political independence is signified by his designation, whose suffrage and whose land are held by the same tenure, whose land is unprotected by a lease, and whose vote is unprotected by the ballot, is to be invested with the franchise, for the exercise of which the absence of all volition and almost of all thought constitutes, in the opinion of some of those who hear me, his most appropriate qualification; while, upon the other hand, a household resident in such a town as Thurles or Carrick-on-Suir, containing 12,000 people, by neither of which a representative is sent to Parliament—a respectable householder rated at 8*l.* for a tenement which in an English town, with the same population, would be rated at upwards of 18*l.*—a trader in good circumstances, well to do in the world, and with a capital in his integrity, industrious, sagacious, and intelligent, is to be deprived, or, I should rather say, stripped and spoliated of that constitutional right of which, in reference to the interests of his country, he would make an honest, a conscientious, an honourable, and undaunted use. This would be most impolitic and unjust—it would be most impolitic, because it would be most unjust—and its impolicy and its injustice would be rendered the more conspicuous by the glaring fact that in this country the 40*s.* freeholder is preserved, and the great majority of English Members are returned for boroughs upon a 10*l.* valuation, which is far less than an 8*l.* rate, while the majority of Irish Members—that is to say, sixty-four county Members—would be returned, were such a scheme successful, upon a qualification of double the amount. I shall be told, however, that the tenants will be torn from their landlords, and that this Bill will minister to agitation. My principal object in taking part in this discussion is to prove to those whose apprehensions are not factitious, and whose objects are not factious, that this is a mistaken fear. Mistaken fear has been the bane of Ireland. There is nothing against which Englishmen ought to be more on their guard. It was mistaken fear that dictated the present code. It was mistaken fear by which its repeal was delayed. It was mistaken fear by which that very procrastination of justice was occasioned which led to the moral insurrection at the hustings against the proprietors of the soil. There is nothing of which Englishmen ought to be so much afraid as of mistaken fear. "What," you will say, "is our fear mistaken; and, after we have seen the ties of landlord and tenant snapped asunder, have we nothing to fear?" I answer, nothing. Don't content yourselves with looking at facts; consider the forces that produced them, and whether they are spent. Don't shut your eyes to the events that are passing before you, and to the consequences with which they teem. The agitation of which Ireland for so many years presented the continuous spectacle arose from the combination of two causes, both of which have ceased to operate—from a great question and from a great man. Both are beyond the power of resuscitation. The question was the Catholic question—incomparable in its power of excitement; the man was the celebrated Irishman upon whose like, in his command of the national emotions, you will not look again. There cannot be the slightest doubt that the great electoral revolt of Ireland would never have taken place but for that vast organisation which the wrongs of Ireland enabled Mr. O'Connell to accomplish. Without the Catholic question, he never would have been able to associate the Catholic hierarchy, the Catholic priesthood, the Catholic aristocracy, the Catholic gentry, the Catholic barrister, the Catholic trader, all ranks, all professions, in that marvellous confederacy by which that sudden and simultaneous revolt was effected; and, upon the other hand, that unparalleled confederacy could never have been formed, except through the matchless influence of that extraordinary man, to whom Ireland so justly ascribes her liberation. But may not another O'Connell arise? Yes, nature may contribute the same faculties, but you will not furnish the same opportunities. Nature is unexhausted and inexhaustible, and in her boundless abundance she may contribute the same wonderful versatility, the same astonishing variety of resources, the same untiring perseverance, the same indomitable energy, the same eloquence, by which the greatest of all political miracles—the conversion of a populace into a people—was effected; but though nature may do all this, you will not furnish a second O'Connell with a second penal code; you will not supply him with the iron out of which the weapons were forged with which ascendancy was struck down. If the Catholic question had been adjusted at the Union, if the vast designs of Mr. Pitt had not been baffled, and Ireland not been put through that agony of excitement through which you saw her pass, you never would have witnessed that social disruption to which you look back with alarm; you would never have seen the Clare election; the allegiance of the tenant to the landlord would have been inviolate. Daniel O'Connell would have been a great lawyer, a great senator, and perhaps a great chief justice; but he would not have "wielded the fierce democracy," because there would not have been a fierce democracy to wield, and his natural inclinations would have led him to the maintenance of authority, which it would have been consistent with the interests of the country to which he was devoted to sustain. I beg you to consider whether the present condition of Ireland does not bear out the views which I have presented to you. Ireland is in political repose—a wonderful subsidence of popular feeling is everywhere observable. Public assemblies, indeed, are held in different parts of the country, but they have no reference to political objects. The proportion between rents and prices furnishes the principal topic of expatiation. The solicitudes of the Catholic clergy are engaged by those institutions for whose designation they are indebted to the hon. Baronet the Member for the University of Oxford. Of the restoration of a domestic legislature little is said, and the most enthusiastic advocates for that alluring measure have begun to regard it as an object, bright indeed, but incalculably remote. Never was there less ground for apprehending a second electoral rising of the Irish people. Never was the landed interest, or if you like, I will call it the Protestant interest (for of that I know that you are thinking), more secure. The Roman Catholics of Ireland are not opposed to it, for the distinction between Protestant ascendancy and the Protestant interest is marked. Protestant ascendancy is another name for Catholic disqualification; but the Protestant interest means nothing more than the actual existence and development of that social, intellectual, and territorial power, which is as deeply rooted as it is widely spread, and which does not stand in need of an injustice to the majority of the Irish people for its sustainment. I trust that this Bill will be carried in its integrity. Never was there a period more opportune for its enactment. The concessions made to Ireland have appeared too often to be the result of an inglorious exigency, and to have been influenced by a sentiment to which Englishmen should be slow to give way; but now that Ireland, well and wisely governed, is at rest—when you are no longer pursued by the spirit of minacious molestation, this large and comprehensive measure, by which the pledge given by the Prime Minister upon his accession to office is redeemed, will emanate from your spontaneous fairness, or will be dictated by no other than that noble self-compulsion by which, from a sense of justice, Englishmen should prescribe the performance of their duty to themselves. Henceforth, that fatal saying, that dismal antithesis, into which so much reproach was compressed, that England's difficulty was Ireland's opportunity, will cease to be appropriate. Divest it of the melancholy truth to which centuries have borne their calamitous attestation, tear it out of the distempered convictions of the Irish people, and in place of that withering aphorism, by which all good international feeling is dried up, substitute the high and salutary persuasion that the justice of England is proportioned to her security and her power—that it is when she has least to dread she is most magnanimous, and that her affluence, her greatness, and her glory, are but incentives to deal with lofty rectitude towards the Irish people, and to proclaim that their rights are as unquestionably coequal as their interests are beyond all doubt identified in imperial unity with her own.

VISCOUNT JOCELYN acknowledged the ability and eloquence of the right hon. Gentleman's speech; but it appeared to him to refer to matters long passed away, and to have no real connexion with the subject before the House. Holding the opinions he (Viscount Jocelyn) did, he must object to the Bill, and vote for the Amendment. He had been willing to receive in a fair and liberal spirit from the noble Lord at the head of the Government any well-conceived measure for the extension of the Irish franchise, for it was impossible to doubt that the state of the franchise in Ireland required amendment; but though he agreed entirely in the principle of the Bill, he could not give it his support, because in its present form it would operate fatally to the interests of Ireland. It was impossible to apply one system of legislation to Ireland, and another to England, without doing mischief. He objected to the Bill on several grounds: first, that the basis selected for the franchise would afford no criterion of the class of persons who would enjoy the franchise. In one poor-law union, while the rate was 8*l*., it would in another union be 10*l*. Then the working of the Bill would be most objectionable, inasmuch as the registrars would be the poor-law guardians—a circumstance that would be sure to throw the apple of discord in every place. Another objection was the sum selected by the noble Lord—8*l*. He had seen a calculation which clearly proved that the 8*l*. and 12*l*. franchises would swamp the intelligence and respectability of the population. Another objectionable point was the joint tenancy point—one of the many evils of Ireland, as reintroducing the mischief of the 40*s*. freeholders. He would remind the House, before he sat down, that if they passed this measure, the day might come when they would have a majority of Irish Members calling for a repeal of the Union, in which case the late Lord Althorp had admitted that the call should be acceded to; and when that day came, he believed the dismemberment of the British empire must follow.

VISCOUNT CASTLEREAGH said, he had come to a different conclusion from his noble relative who had last addressed the House with regard to this Bill. He felt that after the great discussion which it had undergone, they ought to allow it a fair trial. At the same time, he should have preferred an arrangement giving a 12*l*. franchise in towns, and a 6*l*. franchise in counties, as a better plan; but though he felt strongly on this point, he could not consent to support a Motion which would have the effect of throwing the settlement of the question over for the year. He had made some calculations founded on papers laid before the House, and he found that the number of tenements rated above 12*l*. was 237,600. The number of tenements between 10*l*. and 12*l*. rating was 44,400, of which he took one-third as the number rated at 12*l*. This would give 250,000 tenements rated at 12*l*. and upwards; and, deducting one-fifth for those who were not rateable, a 12*l*. rating would leave a constituency of 200,000; or, with the other additions included in this Bill, a total of 216,000, which was the precise number of electors in Ireland before the abolition of the forty-shilling franchise. He thought a great experiment was about to be tried, and that the door was being opened to a new Reform Bill. The hon. Member for Cork had hinted that the noble Lord the First Minister of the Crown had stated his intention of bringing in a new Reform Bill for England. He Viscount Castlereagh) could heartily have wished that such a Bill had been brought in contemporaneously with the Irish Bill, as he thought it a most unfortunate step to take to attempt to try the experiment in Ireland before it had been tried in England. He trusted that the measure before the House would be properly considered in another place, although he did not think the measure should be checked at this stage in the House of Commons. If, however, a time more inopportune than another for trying the experiment in Ireland could be chosen, it was the present time. Still, he confessed that, if the Bill had the amendments inserted in it which were desirable, it would no longer be the experiment he had described it to be.

COLONEL RAWDON said, that while he accepted the vote of the noble Lord the Member for the county of Down, he could not accept his speech. He could not admit that the franchise and liberties of the people of Ireland could not be determined by the House without the introduction of subjects totally irrelevant to the question. If ever there was an opportune moment for legislating in a liberal spirit for the people of Ireland, that moment had now arrived, and he tendered his thanks to the noble Lord at the head of the Government for having fulfilled the pledge he had held out to the people of that country. He had heard the speech of the hon. Baronet the Member for Radnorshire, with surprise; nor could he conceive how any hon. Member of that House could characterise the present measure as an attempt "to launch the country into a new cry for revolutionary changes." He believed the Bill was calculated to give constitutional privileges to the people of Ireland—that it was not at all forced upon the attention of Government or the House by agitation—that it had proceeded from a pure sense of justice, and of what was due to the constitution of this country; and as such it would be accepted by the people of Ireland, and he hoped it would bring forth good fruits, tending to a better understanding between the two countries.

Sir J. GRAHAM: Having had, Sir, a share in framing and carrying the Irish Reform Act, and having, on various occasions, expressed a strong opinion that that great settlement ought not lightly to be disturbed by any new enactment, the House will not, perhaps, think it unnatural if I find it difficult to give a silent vote on the present occasion. But, with the permission of the House, I will confine within the narrowest limits the observations which I feel it to be my duty now to make. Sir, my hon. and learned Friend the Member for the University of Dublin has stated that he has observed with regret that great settlements with regard to Ireland are constantly contaminated with party objects and party prejudices. Sir, in directing my attention to the consideration of this question, I can assure my hon. and learned Friend that, in all sincerity I can disclaim all party objects and feelings, and that not the slightest tincture of party or factious animosity discolours my impartial judgment on this occasion. But I have bestowed great attention and have felt some anxiety as to the course which I feel it to be my duty to take with respect to this measure. Sir, I thought it imperative on me, when the right hon. Gentleman the Member for Queen's County moved the omission of the second clause of the Bill, to vote for the rejection of it. I had not one word to say in answer to the argument of my hon. and learned Friend the Member for the University of Dublin against that clause. I think that clause unsound in principle. I think it decidedly objectionable, and that it will lead to the most vicious abuses of splitting votes, of multiplying occupiers, and making faggot votes. I think it decidedly wrong both in its principle and in its tendencies. I voted against it without hesitation; and I should be glad, before the Bill has left this House, to have an opportunity of again recording that vote. I am also bound to make the admission which was made by the hon. Baronet the Member for Cavan, and by the noble Lord the Member for the county of Down, that the 8*l.* valuation is a low valuation, that I should perhaps be better satisfied if it were cast at a somewhat higher rate; but I had only to choose between a 15*l.* valuation and an 8*l.* one, and when those propositions were presented to my choice, I unhesitatingly supported the 8*l.* franchise. I therefore, Sir, consider this question to be one of mixed consideration and of great difficulty. But, Sir, it is my duty to look to the present condition of the constituencies in Ireland; and I find that in a great nation, consisting of eight millions of people, and where the representative principle is in force, even in those county constituencies so much admired by the hon. and learned Member for the University of Dublin, the electoral body consists of somewhere about fifty thousand. Sir, I say that this is an anomaly quite inconsistent with the safety of the State, or the security of our institutions. Sir, I have had occasion to urge on the attention of Parliament my strong conviction, that the necessity for applying a remedy to this is urgent, and I have stated in the debates to which the noble Lord the Member for Bandon referred, that the new principle which I thought was necessary, was an enlargement of the basis of the county franchise. Looking for the cause of the rapid diminution of those constituencies, I saw clearly that the nature of this franchise, based on tenancy, was the cause; and it was clear also, that any remedy, to be effectual, must be the substitution of tenancy based on occupation, and on rating. All the measures to which I was a party during the administration of my right hon. Friend the Member for Tamworth, with respect to the establishment of a more equal valuation, had distinct reference to this subject; I was anxious that the valuation in Ireland should be uniform, and should be based upon a sound and fixed principle; and I wished, with regard to the county valuation, that rating and occupation should be the basis of the franchise, and that the collection of the poor-rate should be connected with the qualification. Now, Sir, in this Bill, I see all the leading provisions for which I then contended, and which appeared to me to be indispensable. First of all, the county franchise is to be an occupation franchise, based upon rent; next, there is to be annual registration in the place of the former quinquennial register; and that registration is to be self-acting, and will be attended with no expense, and with little difficulty. And then follows the precaution, to which I attach importance, that not only must there have been occupation for twelve months before registration, but there must have been an actual payment of all the poor-rates due within six months at the date of registration. But before I touch further upon the question of valuation, it is necessary to consider all the peculiar circumstances affecting Ireland at this moment, in order to account for the expression in the Bill, "the whole poor-rate must be paid." Now, this is not only the ordinary collection for the maintenance of the poor in Ireland, but the collection on account of the rate in aid, which has to be in operation for three years to come. ["No, no!"] Whatever may be the limit of the rate in aid, at least one year has to be included; and there is also a measure in progress in Parliament, which has passed this House, fixing on the poor-rate the repayment to the Exchequer of this country of all the advances made to Ireland, and this is no inconsiderable addition to the poor-rate. Sir, a comparison has been drawn between the franchise in England and in Ireland. But here, Sir, we have the 40*s.* freehold, and also the tenant-farmer voting without a lease, even a tenant at will at 50*l.*; and if we compare the franchise in Ireland under this Bill with the existing franchise in Scotland, I do not think the 8*l.* tenure will be found extravagant. In Scotland every leaseholder is entitled to vote by what is called a "feu tenure," and is entitled to vote if the tenement be valued at 10*l.* at a rack rent, subject only to ordinary deductions. In Ireland the franchise is to be 8*l.*, with all the poor-rates paid. What, again, are the difficulties which this Bill removes? It is impossible, I think, to forget the angry debates which took place in this House as to the interpretation of the law, which fixes the franchise of Ireland, such as now exists—I mean the disputed point with regard to the beneficial interest. It is a point still open to the most opposite conclusions—there is no uniform decision to be found upon it, and there is no concurrence on the bench in Ireland as to the construction of the statute. Even a Committee of this House, of which the noble Lord the Member for Bath was the chairman, reported to the House of Commons that no time should be lost in legislating on this subject, and in removing a doubt which was so generally found to exist, and that until that doubt with respect to the import of the term "beneficial interest" was removed, the state of the county franchise must be held to be most uncertain. Sir, with this Bill all such difficulty will cease. Then with regard to the registration, all the evils in connection with it admitted by the hon. and learned Member for the University of Dublin, will be removed by this Bill; and upon the whole I feel bound to say, as a balance of good and evil, that considering the good this Bill will effect as contrasted with the objections to which I have adverted, I cannot hesitate in giving it my support. It is said that this Bill greatly enlarges the basis of the constituent body. Sir, I do not object to it on that ground. I must say, considering the increase of the democratic element in our institutions, that I see the greatest danger in erecting an immense superstructure upon a narrow electoral basis. Sir, if that superstructure cannot stand upon an extended electoral basis, I am sure that a narrow basis cannot long sustain it. On principle, therefore, I cannot object to this Bill as a measure of large extension. Now, Sir, allusion has been made to what has lately been witnessed elsewhere, and I think it is not good policy to neglect examples which are patent and before our eyes. Sir, if I were to mention what in my humble judgment was the immediate cause of the fall of the kingly power of Louis Philippe, it would be, that he maintained, or attempted to maintain, the semblance of representative government with a constituent body, which, as compared with the great bulk of the population, was dangerously narrow, and utterly inadequate. What, Sir, was the consequence? A comparatively slight tumult arose in the metropolis, and the Government was overthrown without a struggle. His power was buried in this ruin; and the consequence has been, that for the last two years the nation over which he ruled has been plunged into anarchy, confusion, and bloodshed, and property and life have been rendered insecure. But what is the return of the wave, and the reaction from that state of things which followed the establishment of universal suffrage in France? The return is a desire to base the suffrage, restricted as compared with universal suffrage, on household suffrage, on permanent residence, and on the payment of local taxation. And, Sir, I am sure that that is a safe basis on which to rest the franchise, more especially in a constitution composed of mixed forms and of balanced powers. Upon the whole, therefore, viewing all the difficulties which surround this case, I come to the conclusion that it is my duty to support the third reading of this Bill; and I will now merely repeat that I should rejoice if an opportunity were afforded me of again voting against the second clause, and that I trust that the Bill will be sent back to us with the necessary alteration made in this respect.

Mr. DISRAELI: Sir, I hope the House—as I have not as yet presumed to give an opinion upon this measure—will not think it intrusive if for a few moments I express my opinion. I do so, not only with great hesitation from a consciousness of the difficulty of the subject itself, but from having to follow the speech of the right hon. Gentleman the Member for Ripon—a speech which is one of a rather perplexing character. The right hon. Baronet disapproves of the most important portions of the Bill in favour of which he is going to vote. He recalls to our recollection, with something of Parliamentary pride, that he recorded his vote against its 2nd clause. The right hon. Gentleman absolutely disapproves of the clause which has fixed the suffrage at an 8*l.* rating; but I believe that he voted in favour of it in Committee. [Sir J. Graham assented.] I find that I was correct, and that the right hon. Gentleman had recorded his vote in favour of this rating of which he disapproved. What opportunity he now expects to express his opinion by his vote against the 2nd clause, it is difficult to ascertain, considering that the Bill is now only waiting for a third reading. One can hardly believe that any very successful occasion will offer itself now to any hon. Gentleman in this House to express his opinion in the manner sought for by the right hon. Gentleman. Nor has the right hon. Gentleman, although he disapproves of the most important clauses of this Bill, vindicated the vote he is going to give by a frank avowal that he approves of the principle of the measure. On the contrary, the right hon. Gentleman has candidly admitted that he is going to vote, as far as the principle is concerned, with mixed feelings and with mixed considerations. As far as I can draw an inference from the speech of the right hon. Gentleman, that which he most approves of in this Bill is, that the suffrage is, in future, to be exercised in Ireland without any reference to tenure. I understood the hon. Baronet, between whom and himself there seems much political sympathy, in a previous part of the debate, to tell us that a franchise in Ireland, unconnected with tenure, was, with him, the great political desideratum. A franchise connected with tenure, he told us, was not suited to the genius of the Irish people. Now, Sir, I have more confidence in the genius of the Irish people than the Member for Cavan. What is most remarkable in this discussion is, that hon. Gentlemen should rise and tell us that there is one point upon which all parties and all sides are agreed, and that is, the impossibility that in Ireland the political franchise can be connected with proprietorial tenure. In my mind that is announcing the degradation of Ireland—that is telling us that Ireland is in a state which is inferior to the countries with which it is politically connected; and if you persist in that position, you announce that you believe the condition of Ireland is irreclaimable. Sir, it is because I entirely disapprove of that principle—it is because I entirely disbelieve the principle as one emanating from the real state and social condition of Ireland, that I cannot accept it as the basis of legislation. What do you mean by saying that the franchise in Ireland cannot be exercised with tenure? Do you mean to say that all the tests and all the qualifications which you have carefully established and cherished in England are not to be recognised in that country? Sir, I should say that if it is laid down to us that Ireland is not in a state to exercise or enjoy a political franchise unless it is disconnected with tenure, you bring before the consideration of statesmen a country the condition of which demands immediate attention, and they ought at once to apply their minds to the application of some means to remove the causes which have produced such a state of things. If that were placed before me, I should say it is not my duty, in the first place, to create a factitious and artificial constituency; I must rather endeavour to put an end to that sad and terrible condition of things, which has rendered it impossible for the people to accumulate property and obtain the political qualification which is enjoyed in Great Britain; I should rather feel that the first duty of a Minister is to pass laws which should develop the industry of such a country; that if there were laws existing which tended to prevent the development of the industry and the accumulation of wealth in that country, as I believe, for example, the present state of the poor-law does, I say that it should be the business of a Government to direct their minds to such a subject, to reform and to remodel it; and that they should take every necessary step to stimulate the enterprise, spirit, and energy of such a people in such a condition, and allow them to put themselves in a position which, under ordinary circumstances, and in the other kingdoms of Her Majesty, has generally preceded the acquisition of the suffrage. Now, Sir, I have not heard from Her Majesty's Ministers that this view of the question has particularly impressed itself on their attention. We had the question of the fisheries brought before the House the other day. I did not hear from the Chief Secretary that Her Majesty's Ministers—although they opposed the measure then under consideration—I did not hear that Her Majesty's Ministers intended to introduce any measure on the subject. And so it is, Sir, upon all questions connected with the material development of Ireland. Now, Sir, I should have supposed that if Her Majesty's Government had given their serious attention to the reform of the poor-law—if they had brought forward measures for the development of the industry of the country—if, above all, they had brought forward a question which they do not seem inclined to bring forward—if they had attempted to settle in a statesmanlike and temperate manner the long-controverted relation between landlord and tenant—I cannot help thinking that the result of such legislation would be to qualify *bonâ fide* electors for Ireland much more rapidly than this attempt to create factitious suffrages. But, Sir, we may be asked, "Can you defend the present state of the electoral franchise in Ireland?" Is it for me, or those with whom I have the honour to act, to defend it? The present state of the electoral franchise in Ireland was created by the Reform Act; and if we discard from our minds all the glowing and fervent sentiments of the right hon. Gentleman the Master of the Mint, what is the question before us? It is a public acknowledgment that the Reform Act for Ireland has failed. But why has it failed? Is there any one who really believes that the owner of land in Ireland is the sole or even the principal cause of the failure? There is hardly one man even in the thinnest House would have the courage to rise up and maintain such a thesis. The electoral body in Ireland—why has it so fearfully diminished? The diminution can be traced to causes sufficiently patent to account for so melancholy a result. The main causes are unprecedented political agitation and unparalleled famine. That the relation between landlord and tenant—relations which we call upon the Government to come forward and legislate upon, but which they neglect to do—that these relations have a tendency to diminish the electoral body, I have no wish or interest to dispute or deny. But to pretend that the relations between landlord and tenant are the only or principal cause of this diminution of the electoral body, is a position too futile to require any further notice. The fact does remain—that an electoral body, never too considerable, is very much diminished. And here let me remind hon. Gentlemen who seem so unnecessarily to create party discussions, that as far as our interests are concerned, it is not the interest of any Gentleman on this side of the House, if the results are to guide us, to support the present results of the established franchise in Ireland. A majority, and no inconsiderable majority, of Irish Members always vote against the measures and the principles which we generally support and always profess; and, therefore, in any remarks we may make on the existing system, we may have credit for a spirit of fairness and impartiality. Nor am I one of those who would attempt to justify any opposition to this measure on the mere abstract fact that it will much increase the constituency of Ireland. It is said that it will make the constituency of Ireland amount to 300,000 or 350,000. Let the electors of Ireland be 700,000 if their suffrages are the natural and genuine result of property, intelligence, and honesty. But, instead of 300,000, if the result of this change were a much more limited number—were they, indeed, but a moiety of the sum which has been accepted as the probable result of this proceeding—I should equally object to your law if I found that the end was to be obtained by a mere artificial effort to produce a constituency. The right hon. Baronet the Member for Ripon, who disapproves of the principal clauses of this Bill, supports it from mixed considerations, mainly, of course, and very properly, in his view of the case, because he considers it of great importance that there should be a constituency of no mean amount in Ireland. But I ask you to consider well—when you are approaching this difficult question—I ask you to consider whether you are taking a course which will lead to the result which I well believe that all of us desire. Assuming that we all desire a *bonâ fide*, a considerable, and loyal constituency in Ireland—a constituency equal to the occasion, able to select men capable of representing their interests and qualified to sit in this House—a constituency, on the whole, well affected to the institutions of the country—I ask you whether the course you are taking is one calculated to attain that result? The constituency, anticipated under the Reform Act, has diminished from political and material causes—it has diminished to an extent of which not one Member of the House, as an abstract circumstance, will approve or vindicate. But remember this, that the very causes which have produced this diminution—that the very moral and material causes that have occasioned this result, are also causes that have disinclined the people to any hasty adoption of an electoral system which would be framed for the mere purposes of a party, and not to satisfy the wants and requirements of the national will. Now, Sir, I am not inclined on the present occasion to give any reasons to show this to be a party measure. I do not say that the Government on this occasion have brought forward a measure mainly, or, if not mainly, indirectly, to support their policy and their party. It is quite unnecessary to diverge into the discussion of any such consideration. All that I wish to do is to remind the House of the circumstances which in my mind show that, even in the opinion of the Government, this is a crude and ill-digested scheme—a scheme which does not aim to settle the question in a manner generally satisfactory for any length of time, but which emanates from men who have hastily adopted uncertain conclusions, and even at this moment, in the very heat of debate, have given more than one evidence that, at this very instant, they are contemplating still further changes. Sir, I take the clause which the right hon. Baronet the Member for Ripon has adverted to—and it is only because he has adverted to the clause that, at this late hour, I call the attention of the House to it—but I will take the 2nd clause, against which he prided himself upon having voted. In my mind it is a very injudicious clause. I voted against it most sincerely, because I thought it an injudicious and impolitic clause—a clause which would not have been prepared by men well acquainted with the circumstances with which they were dealing—an unstatesmanlike clause—a clause which, in my opinion, ought not to receive the sanction of Parliament. I would say more—I would say a clause which ought not to receive the sanction and approval of the House of Commons; because I am not one of the school who would vote for a Bill of which I disapproved, to throw the responsibility of rejecting it upon another body. But if this is my opinion, and the opinion of many hon. Gentlemen who have spoken on the present occasion and during preceding discussions, what is the opinion of Her Majesty's Government on this important clause? Why, no less a person than the First Minister of the Crown, when the clause was brought under discussion, almost anticipated our objections to it, and threw it as it were into the centre of the House—into the arena of our Parliamentary discussions, and said he cared not to be responsible for it. Sir, this clause, which is perhaps the most objectionable clause of the Bill—a clause of which we particularly disapprove—is a clause that now becomes of considerable importance—that occupies a great place in legislation. If it is to be sent with the approval of the Ministry and the sanction of this House to another place to be dealt with, we are throwing upon another place the responsibility of rejecting legislation which we ourselves confess, and which is acknowledged by the highest authority to be most crude and ill-digested. I ask, is that the manner to treat another place? Is that the spirit in which we should support the institutions of the country? It is not decorous, I think, in the Minister, but it is still less decorous in those who, disapproving of such a clause, have registered their vote against it, yet still vote for the third reading of the Bill of which it forms so prominent a part. Take also the clause in which the amount of the franchise is defined. The right hon. Gentleman the Member for Ripon tells us that in voting for this Bill he votes in unison with those opinions which he has always professed—at least of late years—and in accordance with those projects of legislation which he has himself prepared and supported. Why, Sir, it is not long ago—it was only in the year 1844, that the right hon. Gentleman himself brought forward a measure on this very subject. And what was his qualification in the Bill of 1844? It was a 30*l.* franchise, established, if I recollect right, on the same basis of rating. But what is the answer of the right hon. Gentleman and his Friends, if we object to their supporting the 8*l.* qualification, when a short time ago, as the result of their matured counsels, of their deep reflection, of their elaborate research, of all the advantages which official information imparted, they proposed a 30*l.* franchise? Why, the answer of the right hon. Gentleman will probably be that the circumstances of Ireland are changed—Ireland is impoverished—Ireland is not so wealthy as she was. But my reply is—Is Ireland always to be impoverished? In this age of progress, which we have dinned into our ears every night and on every occasion, is there to be no progress in Ireland? I have more confidence in the future for Ireland than these great statesmen. I will not give my sanction to a great constitutional law that is to announce to the united kingdom that Ireland is always to be a pauper. Well, then, under these circumstances, accounting, as I will presume to account—not by the mere unsatisfactory statement of the relations between landlord and tenant, but by the great moral and material causes that have seldom occurred in the history of nations, and probably never can be repeated in the history of Ireland—namely, unparalleled political agitation, and a famine which, as the noble Lord once rightly said, was a famine of the middle ages—accounting for the state of Ireland by these causes, I want to know, is there in Ireland at this moment such a feverish desire for the settlement of this question, that it will justify the Government in bringing forward a measure which they themselves acknowledge they have not well considered? Now, Sir, my opinion is, that while we should frankly acknowledge our wish that Ireland should be placed in the enjoyment of political privileges inferior to none of the kingdoms of Her Majesty, we should also have the moral courage at the same time to announce that we are resolved that these political privileges shall be real ones. And inasmuch as, according to the genius of our constitution—for as we have been reminded of the genius of Ireland, I may presume to appeal to the genius of our constitution—inasmuch as the enjoyment and the exercise of the suffrage have been on the whole in this country connected with the possession of property, we should declare—although of course in the adjustment of such an important settlement, we must, in many instances, where it is wise and circumspect, modify the application of that principle—that of that principle we are determined never to lose sight. But in the present instance we depart from it; we do lose sight of it, we substantially reject it, we announce that the enjoyment and exercise of the suffrage in Ireland shall not be connected with property; and in doing that we destroy the principle which has made the enjoyment and exercise of the suffrage in England most valuable. Let the privilege be as wide as the merits of the community deserve; but let the community obtain it by industry, by intelligence, by the possession and exercise of all those qualities which make useful and honest citizens. These have, through the good sense of the people of England, hitherto been our guiding principles in the adjustment of the suffrage. For my part I believe that the people of Ireland are equally capable to achieve the same results and to exercise the same rights as the people of England. But I oppose a law the essence of which is not to give credit to the people of Ireland for these qualities, the object of which is to announce that they are different from the people of England, and to tell them that the genius of Ireland is incapable of making the exertions and enjoying the honours of Englishmen.

Lord J. RUSSELL: Sir, I will not detain the House long on this occasion, because I really do not think, even if I were capable of addressing the House at any length, that this Bill requires on its third reading much explanation of its merits. The question is simple. Here is a grievance, and we propose to remedy it. I will not go into details relating to the small number of electors in the various counties of Ireland; but I will say, speaking generally, that if you look at the number of electors for counties in England, in Scotland, and in Wales, you will find that they vary from twenty-five per cent, which is the lowest, to thirty-two per cent, which is the highest point, being about twenty-nine per cent for Great Britain as the average number of electors for counties. But when we come to Ireland, we find, not twenty-five per cent, not twenty per cent, not even ten per cent; but we find the average is two per cent, as electors for the counties, of the adult male population of Ireland. I ask the House, then, is not that a grievance—a grievance which, when brought before the House by a Bill proposed to remedy it, is fitting for the House to entertain? But we are told that we deviate altogether from the franchise by tenure, which has always been the franchise in our English counties. If I could understand that hon. Gentlemen opposite meant to maintain such a franchise as that which exists in England—if I could understand them to maintain that the 40*s*. freehold franchise ought to be restored in Ireland, and that that was the franchise they are prepared to defend, then I could also understand them to say, "We propose a franchise which shall put Ireland upon a footing of perfect equality with England: we think you are proceeding upon a wrong principle, and we prefer for Ireland an arrangement which shall not only be English in principle, but one similar in its details." But they propose no such remedy. Do they then propose to simplify the franchise which now exists—to make the 10*l*. franchise more simple? By no means. They do not even propose that scheme. Therefore I lay it down as a first proposition, that, the grievance being clear and palpable of the great inferiority of Ireland as regards England and Scotland, they do not propose as a remedy a similar franchise to that of England or Scotland. But what is the sort of language that is held by the hon. and learned Member for the University of Dublin, and by the hon. Gentleman who spoke last? They tell you that there are other remedies—another kind of law: that there are the laws affecting the relation between landlord and tenant, and other matters, to which the Legislature ought to attend, and not to the extension of the franchise, which is now called for. Such is the language always held in despotic countries, where they say that nothing can be so mischievous as political rights—such as freedom of the press, the exercise of the right of voting, and constant agitation on political questions; and in the same way the hon. Gentlemen opposite tell us that we should take care of Ireland in a paternal way by attending to her material interests—that we should look after her fisheries—and provide for every material interest of the people; but that the political franchise was a source of disorder, a source of revolution, and from that they admonish us we must carefully abstain. But in England we have learned something totally different from that. We have learned that if men have the right of voting—the right of sending Members to this House—if they are conscious that in regard to the great interests of their country they are properly represented—and if they know that those they send to Parliament have the power to control the expenditure of the revenue, to advise the Crown, and to take part in all legislation affecting the persons and property of the people, then they know that by these rights they are raised, and in these rights are raised, in dignity; and, so far from this rendering them less able to become wealthy, that very freedom, and the exercise of those very rights, render them still more competent to pursue the paths of industry. When there was a discussion in this House sixty-six years ago on this subject, and Mr. Pitt came down as Chancellor of the Exchequer, and told the House of a flourishing state of the revenue, and of the prosperity of the material interests of the country, and when he had finished the details he had given in his own masterly manner, he said to them, "This you owe to the free constitution of England." Mr. Fox congratulated the House on the statement which had just been made, and he, too, said, "You owe this to your free constitution." Therefore, it was the opinion of those two great men, that the possession of the franchise led to wealth, or led to the acquisition of property. But hon. Gentlemen opposite tell us that we should not concern ourselves about the franchise; but that our business was in managing the affairs of Ireland: we ought to attend to their material interests and wants, and regulate their fisheries, abandoning all care for the franchise and those political privileges which, in the opinion of those statesmen he had just named, led to the promotion of those very material interests. It may cause surprise that those who hold this doctrine have discovered only two or three things in the Bill wherewith to find fault. The measure proposes, and, I think, rightly proposes, instead of restoring a franchise which led to such dreadful scenes in former times as the vassals being driven to the poll by the great landlords, and then, on the other hand, being compelled by the force of religious influence and agitation to turn round and vote against those same landlords—that, instead of reviving the 40*s.* freehold franchise, which led to every kind of evil when in existence—that a franchise should be given that is simple in its nature, and that persons having a vote shall not be entitled only by the rate-book to exercise that privilege. I say it will be an immense advantage to extend the franchise, and to substitute instead of that system which had been found to lead to abuses, a cheap and easy mode of registration. The noble Lord the Member for King's Lynn said that this was far too extensive a change, and that if the qualification was put at 12*l.* we should have had an intelligent set of men; but if we fix 8*l.* all the intelligence will be swamped. I certainly do not think that the noble Lord can either give proof that all the persons rated at 12*l.* are persons of intelligence, or that the persons rated at 8*l.* have no intelligence at all. The fact of paying the rate showed that the persons were solvent, and we have likewise taken persons who in their number—whatever may be said of the magnitude of that number—do not come up in proportion to either England or Scotland. The noble Lord, and others with him, say that there is one clause with respect to joint tenants which they consider mischievous. I hold that to be a clause of immaterial detail, and I do not think there will be many joint tenants to come under its operation; and you cannot compare it to splitting the land into 40*s.* freeholds, because the tenement must be of the value of 16*l.* at least. Taking the analogy of the Reform Bill for England, you would put in this clause. But if hon. Gentlemen who are connected with the rural economy of Ireland will tell me that the clause will be injurious, I will omit it. Then, the hon. Member for Buckinghamshire said that we are legislating after effects of a dreadful famine within the last few years, and told us to wait and see what the permanent effects are. But the hon. Gentleman does not seem to know what every Gentleman connected with Ireland knows very well, that this diminution of electors has been progressive, and that it began long before the famine. The number of electors for Cork, which, before 1841, was 5,738, had fallen to 3,795 in 1841, and in 1849 it was 3,656. In Tipperary the number, which was 4,143 before 1841, was diminished in 1841 to 2,463, and was now 1,157. The diminution, then, was not owing to the famine, but was one which had been going on from year to year owing to the nature of the franchise. The hon. Gentleman has one great reason against the adoption of this Bill, which in my opinion is a strong reason in its behalf, and in favour of the course we are now taking. The hon. Gentleman says that no feverish anxiety has been displayed in any quarter for the Bill—that there has been no agitation for it. But what would have been said of us for proposing this measure if there had been excitement and agitation? Why, it would have been said that we were yielding to terror, and conceding to the demands of demagogues. But I say, as my right hon. Friend the Master of the Mint told the House, that I think this time is a most fortunate and auspicious one to increase the franchise—a time when we can say we grant a well-founded claim uninfluenced by any political agitation. The measure itself proposes to place the people of Ireland, with respect to their representation, in a position in point of fact as good as that of the people of England and Scotland; and it is founded upon the principle that they should not be treated as inferior to the people of England and Scotland; but that they have a right, when England and Scotland possesses a certain franchise, to be placed in a position, in that respect, equivalent to both those countries. But that right they do not at present enjoy; and so much the more does it become justice—so much the more does it become wisdom to unite the people of Ireland with the people of Great Britain in showing, by equal treatment of both, and giving them equal franchise, you have full confidence in the manner in which they will use that equality and that franchise; and that they may have all the freedom that exists in any other part of the united kingdom.

Question put.

The House divided:—Ayes 254; Noes 186: Majority 68.

List of the Ayes.

Abdy, Sir T. N.
Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Berkeley, Adm.
Berkeley. hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.
Bouverie, hon. E. P.
Boyd, J.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Browne, R. D.
Bulkeley, Sir R. B. W.
Burke, Sir T. J.
Butler, P. S.
Cardwell, E.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Childers, J. W.
Cholmeley, Sir M.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Currie, H.
Dalrymple, Capt.
Dashwood. Sir G. H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
Devereux, J. T.
Divett, E.
Douglas, Sir C. E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir T.
Ebrington, Visct.
Ellis, J.
Elliot, hon. J. E.
Evans, J.
Evans, W.
Fagan, W.
Fergus, J.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, R. M.
Freestun, Col.
Gibson, rt. hon. T. M.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Grattan, H.
Greene, J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Heneage, E.
Henry, A.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Hughes, W. B.
Hume, J.
Hutchins, E. J.
Hutt, W.
Jervis, Sir J.
Keating, R.
Keogh, W.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Lewis, G. C.
Littleton, hon. E. R.
Loch, J.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Meagher, T.
Mahon, The O'Gorman
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, S.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Moore, G. H.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir D. J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, M.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Ord, W.
Osborne, R.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Peel, rt. hon. Sir R.
Peel, F.
Pelham, hon. D. A.
Perfect, R.
Peto, S. M.
Pilkington, J.
Plowden, W. H. C.
Power, Dr.
Price, Sir R.
Pusey, P.
Raphael, A.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roche, E. B.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Sullivan, M.
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townley, R. G.
Traill, G.
Trelawny, J. S.
Tufnell, H.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Wall, C. B.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P. B.
Williams, J.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.

Hill, Lord M.
Bellew, R. M.

List of the Noes.

Alexander, N.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, T.
Baring, hon. F.
Barrington, Visct.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Bramston, T. W.

Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Brooke, Lord
Brooke, Sir A. B.
Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cabbell, B. B.
Carew, W. H. P.
Chatterton, Col.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Damer, hon. Col.
Davies, D. A. S.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Estcourt, J. B. B.
Farnham, E. B.
Farrar, J.
Fellowes, E.
Filmer, Sir E.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Galway, Visct.
Gladstone, rt. hon. W. E.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Gore, W. R. O.
Granby, Marq. of
Grogan, E.
Gwyn, H.
Hale, R. B.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Hood, Sir A.
Hope, A.
Hotham, Lord
Hudson, G.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knightley, Sir E.
Knox, Col.
Lascelles, hon. E.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milton, Visct.
Morgan, O.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Newry and Morne, Visc.
Noel, hon. G. J.
Ossulston, Lord
Oswald, A.
Packe, C. W.
Palmer, R.
Pennant, hon. Col.
Pigot, Sir R.
Plumptre, J. P.
Portal, M.
Powlett, Lord W.
Prime, R.
Rendlesham, Lord
Repton, G. W. J.
Richards, R.
Rufford, F.
Rushout, Capt.
Sibthorp, Col.
Smollett, A.
Somerset, Capt.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Thesiger, Sir F.
Thompson, Ald.
Thornhill, G.
Tollemache, hon. F. J.
Trevor, hon. G. C.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Wegg-Prosser, F. R.
Willoughby, Sir H.
Worcester, Marq. of
Wortley, rt. hon. J. S.

TELLERS.
Mackenzie, W. F.
Beresford, W.

Main Question put, and agreed to.

Bill read 3°.

Amendments made. Bill passed.

The House adjourned at One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, May 13, 1850.

MINUTES.] PUBLIC BILLS. — 1^{a} Parliamentary Voters (Ireland).

2^{a} Distressed Unions Advances and Repayment of Advances (Ireland).

Reported.—Sunday Trading Prevention.

UNIVERSITY REFORM.

LORD BROUGHAM presented a petition from the London University College, praying for better accommodation to assistant surgeons in the Navy. These gentlemen were a most meritorious class of officers, and he hoped their claims would receive the attention of the Government. He was glad to have that opportunity of reverting to a conversation which took place a few nights since with the noble Marquess opposite, and a noble Lord (Lord Monteagle) on the subject of the proposed Commission to inquire into the state of the Universities of Oxford and Cambridge. He had since then received many communications, by which it appeared that the observations of the noble Lord on that occasion were most correct, namely, that very great improvements had recently taken place in the course of study and discipline, both at Cambridge and Oxford. He believed he might say that his noble Friend (the Duke of Wellington), the Chancellor of Oxford, and his noble and learned Friend (Lord Lyndhurst), the High Steward of Cambridge, both concurred with him in deprecating any rash and inconsiderate interference with the Universities. He hoped that no Germanic proceedings and no Germanic discipline would be introduced into our ancient and hitherto flourishing Universities from foreign institutions of a similar character. He had no hesitation in saying that he was strongly in favour of the existing system, which in his own judgment was improving every day, and capable, as it undoubtedly was, of further improvement. He hoped that system would not be rashly exchanged for any foreign system.

The Duke of WELLINGTON, in reference to the remarks of the noble and learned Lord, rose to declare that the University of Oxford was most anxious to introduce every improvement which was desirable into the system of education adopted in that ancient seat of learning. As far as he could understand the subject, there was no desire in any quarter to introduce German projects, or any system of that kind, into the system of education now in force in the University of Oxford. That university, he repeated, was anxious to meet the wishes of Her Majesty's Government and of the country at large, and to introduce every improvement that was at once useful and practicable. But that which the University of Oxford could not do, and which it would not be induced by any consideration to do, was this: it would not repeal the statutes by which the different colleges of that University were governed. Various portions of the inhabitants of this country—some living in its towns, and others in its rural districts—various young persons, now receiving their education in different schools, enjoyed important rights under the separate statutes of the separate colleges. The body to which he (the Duke of Wellington) had the honour to belong—namely, the Chancellor, Masters, and scholars of the University of Oxford, and the governing bodies of the several colleges—was bound to respect and maintain and carry into execution the statutes of the several colleges. He hoped that these bodies would not be required to submit to an inquiry directly tending to the repeal of those statutes, which the law of the land desired them to carry into execution for the benefit of the individuals who claimed rights and privileges under them. He made this statement now, which he should have made on a former occasion, had he been in the House at the time, because there appeared to him to be a tendency to institute an inquiry of the nature which he had described—an inquiry which, if instituted, would seriously affect some of the most loyal subjects of Her Majesty, who might be placed in a situation of the greatest difficulty as they would have to decide between their duty of obedience to Her Majesty's commands, and the duty and respect which they owe to the execution of the law.

Petition to lie on the table.

AFFAIRS OF GREECE.

Lord STANLEY: My Lords, since our last meeting in this place intelligence of an important character as to the affairs of Greece has reached this country—intelligence to which I am anxious to call the attention of the noble Marquess opposite. We have learned, my Lords, by means of the usual organs of public communication—and we have reason to believe that the information thus given to the public is not inaccurate—we have learned, I say, that the good offices of France in attempting to arrange the differences between the Government of Great Britain and that of Greece have not led to a satisfactory termination—that the French Minister has withdrawn from the negotiations—that, in consequence of his withdrawal, coercive measures of an extraordinary character have been resorted to by the British Minister and the British Admiral on the station—and that under the pressure of those coercive measures the Greek Government has submitted to the terms which we have imposed upon her, and which a British fleet has been sent to enforce. I hope, my Lords, that Her Majesty's Ministers will immediately lay before us all the official information which they may have received as to all the circumstances connected with this transaction, and especially as to the circumstances which rendered the interference of the French Government abortive, and led to the retirement of the French Minister. But, be that as it may, whether that information be given to or withheld from us, I take the earliest opportunity of giving notice, that at an early period after Whitsuntide recess I shall call your attention, my Lords, to all the circumstances of this most unfortunate transaction.

The Marquess of LANSDOWNE: I can assure the noble Baron, that all the information we have respecting this transaction shall be submitted forthwith to the inspection and judgment of Parliament. But, as the noble Baron has referred to the unfortunate rupture of the negotiations, although such negotiations finally led to a very satisfactory and successful result, I may be permitted to avail myself of this the earliest opportunity to say, that the rupture in the negotiations occurred in consequence of the French negotiator having broken them off on a single point, and that that rupture would have been prevented had the later instructions sent out from England arrived in Greece three or four days earlier. The result of that rupture was that hostilities were again resorted to; but the Greek Government, having then desired to know the terms on which we were prepared to receive satisfaction, and to resume terms of friendliness and peace, was directly informed by our Minister, Mr. Wyse, what those terms were; and the noble Baron opposite, and all others in this House, will hear, I am persuaded, with unmixed satisfaction, that Mr. Wyse, acting under his instructions, thought that the moment had at last arrived when he could make it manifest to Greece and manifest to the whole world that the object of our hostility was to assert a principle, and not to bear hardly on the resources of Greece. Mr. Wyse did this in the exercise of a just moderation, which has met the high approbation of the Government at home. He so far relaxed in his demands that on the very first moment in which Greece evinced a disposition fairly to meet our demands, he offered her terms, to which Greece subsequently acceded, differing indeed in form, but not very different in substance, from those on which the Minister of France had negotiated with us, and which he deemed to be just and equitable. When those terms are laid on the table, it will be seen that they only differ in one point from those approved by the French Minister, and that point is favourable to Greece; so that, in the exercise of its free discretion Greece has obtained terms in a pecuniary sense much better than those which the French Minister here deemed her entitled to. This statement will, I am sure, be heard with satisfaction by all those who think with me that a strong State in dealing with a weak State ought not to presume on account of its strength, but that when it can obtain that, which even the weakness of its adversary is not entitled to refuse on the score of justice, it should be content, and should abstain from urging its claims further. That principle being once admitted, it may be prepared to relax its claims, if it be deemed expedient, and may proceed to treat with it on terms not merely of fairness but of indulgence. It would have been a satisfaction to me, my Lords, if the accommodation with Greece, at which we have arrived at last, had been brought about by the assistance and concurrence of the French Government; for I am bound to admit that during all these transactions the French Government has exerted itself most actively to bring about an amicable accommodation between ourselves and Greece. It was owing to an accident of the winds, which occasioned a delay of three or four days, that that accommodation was not brought about by the instrumentality of the French Government; but, not having been so brought about, it is a satisfaction to me to think that it has been concluded on terms nearly the same in substance, though different in form, with those which that Government suggested and thought to be correct.

Lord STANLEY: When these papers shall be laid on the table, your Lordships will be more able to judge how far they warrant the self-congratulation in which the noble Marquess has indulged respecting them. It seems to me most unfortunate that this case should again be productive of disappointment, owing to the delay of three or four days in the transmission of intelligence. It is somewhat strange, too, that the same misfortune should occur twice in these negotiations—once at their commencement, and once again at their close. The noble Marquess must have a strange idea of free exercise of discretion by the Greek Government when he applies such a phrase to its submission to terms dictated under a threat of bombardment by the fleet of the most powerful maritime nation in Europe.

The Marquess of LANSDOWNE: The threat of bombarding the Piræus—just adverted to by the noble Lord—is entirely an assumption of his own.

Subject dropped.

ROMAN CATHOLIC CLERGY (IRELAND.)

The Earl of ELLENBOROUGH rose to present a petition from the board of guardians of the union of Thomastown in Ireland, on the subject of the relative position of the Church of England and the Roman Catholic Church in Ireland towards each other, and praying for a grant of public money to make provision for the clergy of the latter denomination. He thought that he should best explain the object of the petitioners by entering into a short detail of the statements in their petition. They commenced by declaring that the population of the ecclesiastical union of which they formed a part amounted to 4,000 persons; that the income of the Protestant incumbent was 410*l.* a year; that he lived in a house which had cost 1,025*l.*, and that he was in the enjoyment of twenty-two acres of glebe. They further stated that the church in which he performed divine service had been built at the expense of the parishioners for the purpose of accommodating 120 persons, but that never on any occasion had there been more than 100 persons present, and that in general not more than 60 attended. They further stated that the Roman Catholic Chapel of Thomastown was an ancient structure, and too small to contain the Roman Catholic congregation of that place. There were also two other Roman Catholic chapels to which the same description would apply in the same ecclesiastical union, and those chapels the Roman Catholic inhabitants were unable to rebuild, owing to the state of poverty to which they had been reduced by the late famine. The petitioners further said that in the last few years Parliament had granted two millions of money to extend church accommodation in England and Wales; that it had also granted other large sums to accomplish the same object in the Highlands of Scotland, and that by such bounty church accommodation had been found for 480,000 persons who previously were without it. The petitioners further added, that within the same time not a single farthing had been given by Parliament to find church accommodation for the Roman Catholic population of Ireland. They declared that they were not moved to ask for some provision to be made for the increase of their places of worship by any envy or jealousy of the superiority of their Protestant neighbours, with whom they lived on terms of unusual cordiality and friendship, but entreated Parliament to provide some remedy for the religious inequality which they had set forth in their petition; and, without wishing to inflict any injury upon vested rights, they implored Parliament to apply the surplus property of the Protestant Church of Ireland to purposes of public utility, and especially to the increase of church accommodation for the Roman Catholic population of Ireland. After expressing his condemnation of this part of the prayer of the petitioners, he said, that he would not at present enter into the question whether the Church of England in Ireland had any surplus property or not. If there were any such surplus, the Church of England in this country had the first claim to the appropriation of it. He believed that the united Churches of England and Ireland formed but one Church; and, therefore, it would be unfair as well as unjust to appropriate to any other Church the property which belonged to the Church of England and Ireland in common. On this occasion he must tender to the petitioners and to all who sought to obtain a public provision for the Roman Catholic Church in Ireland, his most earnest advice not to propose to take from the Protestant Church of England the aid to be given to the Roman Catholic Church in Ireland. By offering such a suggestion, those who were friendly to the prayer of the petitioners would throw back to an infinitely distant period the fulfilment of their object. There was in this country a Protestant feeling which might be easily roused to rescue the Protestant Church from any meditated offence or injury. His firm conviction was, that the Protestants of England would never grant to the Roman Catholic Church any boon which involved injury and offence to their own Church. Whilst he was prepared to reject the prayer of these petitioners, as to the source from which aid was to be extended to the Roman Catholic Church in Ireland, there was another portion of their petition in which he concurred, namely, that in which they declared that they wanted no aid which would bring their Church into conjunction with the State. It would be impossible for the Government of a Protestant State to interfere in the distribution of the patronage of a Roman Catholic Church. A Protestant Government could not have such knowledge of the men who were worthy of patronage as would enable it to exercise such patronage properly. Besides, he was satisfied that in the Protestant mind of England the strongest feelings of suspicion would be excited, if a constant intercourse were carried on between the Government and the various dignitaries of the Roman Catholic Church. It was held by many to be unjust to take from the imperial revenue funds to endow the Roman Catholic Church; but, for his own part, he knew of no measure which would partake more of an imperial character than one which would improve the social condition of the population of Ireland. The due reward of such a policy would be found in the better feelings and more orderly conduct of the people of Ireland. If he might on this occasion be permitted to advert to any fund from which the means of increasing church accommodation for the Roman Catholics of Ireland might be taken, he should say that it was to be found in the sums due to the Imperial Treasury, the disposal of which was to be provided for in the Distressed Unions Advances and Repayments of Advances (Ireland) Bill which stood that evening for a second reading, In the first instance, he would gladly see those advances, as they were repaid, appropriated to the provision of church accommodation for the Roman Catholics of Ireland. In the next place, if there were a surplus after that object was accomplished, he would gladly appropriate it to the building of glebe-houses for the Roman Catholic clergy; and, if there were a surplus beyond that, he would purchase lands with which that Church might be endowed. And when he considered the vast quantity of land which was now thrown into the market by the instrumentality of the Incumbered Estates Act, he had no doubt that it would be of great advantage to Ireland itself to apply the money thus repaid to the State to the purchase of small estates for such purposes.

Lord REDESDALE expressed his regret that this question had been mooted, as it would lead to much controversy and excitement in the country, without the prospect of any good result.

Petition to lie on the table.

DISTRESSED UNIONS ADVANCES AND REPAYMENT OF ADVANCES (IRELAND) BILL.

Order of the Day for the Second Reading read.

The Marquess of LANSDOWNE, in moving the Second Reading of this Bill, said, that although, from the nature of the Bill, and the object which it had in view, he did not anticipate any opposition either to the principle or the details of the measure, he still felt that it would be only respectful towards their Lordships to state shortly the grounds upon which he presented it for their approbation. He repeated, that he did not anticipate any opposition to the measure, because he knew that the feeling of their Lordships was one of liberality towards the people of Ireland; and while he was far from thinking that the Bill exhibited any undue liberality, he could not but believe that it would meet with their favourable consideration. It would be in the recollection of the House that, in consequence of the pressure of the famine which visited that country in 1846, and which was greatly aggravated in the course of the subsequent years, Her Majesty's Government were under the necessity of proposing to Parliament a variety of measures with the view of enabling the people to meet the difficulties in which they were placed, and even of saving the lives of the people. The object of the principal of those measures was to authorise sums of money to be borrowed, partly from the State, and partly from individuals. All these acts received the sanction of Parliament, and the effect had been to create an enormous amount of debt, which the resources of many districts, particularly in the south and west of the country, were entirely inadequate to repay within any moderate period of time. Under those circumstances the Government were desirous of alleviating the pressure upon those districts, and of simplifying the mode of repayment. It was thought expedient to provide, in the first place, that a sum of 300,000*l.*, bearing interest at 3 per cent, should be advanced to certain distressed poor-law unions and electoral divisions, to enable them to discharge the liabilities which they had incurred, more particularly in providing food and clothing for the poor during the years of distress. That was one object of the Bill. Another object was to consolidate the various debts which were contracted under Sir J. Burgoyne's and other recent Acts, and to extend the time of payment to forty years. It was not proposed to extend the time for repayment in all cases to forty years, but power would be given to the Treasury to take into consideration the condition of such unions as should not be able to make the repayments in less time, and to extend the full period to them, if they should think fit. He was happy to state, that owing in a great measure, he believed, to the increased workhouse accommodation which was offered as a test in that country, the number of persons receiving out-of-door relief during the month ending the 31st of March was one-third less than the number for the corresponding month of last year.

The Earl of GLENGALL had no objection to the proposed advance of 300,000*l.*; but, with regard to the other portion of the Bill, namely, that relating to repayments, he considered the powers proposed to be given to the Treasury as exceedingly arbitrary and unconstitutional; and he was understood to give notice that in Committee he would propose certain Amendments on that part of the measure.

The Duke of LEINSTER thought that the powers given to the Treasury to enforce the payment of rates were absolutely necessary. In the union of which he was chairman, he was constantly outvoted when he proposed that they should make an effort to repay the advances that had been made to them. He was, therefore, very glad that there was power given to the Treasury to enforce payment.

The Earl of MOUNTCASHELL said, that Celbridge was situated better than any other union in Ireland. The pauper population was very small, the land was very productive, and near the best market in the country. But in the south and west of Ireland, the unions were in a much worse condition and of greater magnitude. Serious evils might be created there if the powers under this Bill were fully put in force. He trusted that some measures would be taken in order to protect particular unions from falling into utter ruin, and to assist them to extricate themselves from the evils to which they were exposed.

The Earl of WICKLOW agreed in thinking this one of the most arbitrary measures that had ever been introduced. At present the debts which it was proposed to consolidate were repayable, some in ten and others in twenty years; but by this measure the Treasury had power to enforce payment within one year if they thought proper. He did not mean to say that the Government intended to act in this harsh manner; on the contrary, he believed that the Bill had been framed in the most humane spirit possible; but, although that was his opinion, it might not be the opinion of the guardians of the different unions of Ireland, and he feared that the alarm which that part of the Bill would create, would have the effect of paralysing the exertions of the collectors, guardians, and ratepayers. He suggested that a provision should be introduced to the effect that on no account should a rate be levied beyond a certain percentage. Unless it were accompanied with such a provision, the Bill would defeat a measure in which the Government themselves professed to have great confidence for ameliorating the condition of Ireland—he meant the Encumbered Estates Act.

The Marquess of LANSDOWNE assured the House that the Bill conferred no powers upon the Treasury which they had not possessed for the last few years, except the power of distributing the burden of repayment over a longer period than was originally agreed upon, if such a relaxation should be found to be necessary. It was, of course, desirable that the distressed unions should be relieved; but it was not therefore desirable that those unions who could pay should have facilities for delaying payment. The Treasury asked for no power which they did not think indispensable to enable them to exercise their discretion with advantage; and nothing was further from the intention of Government than that those powers should be exercised oppressively. He was sure that the Bill was looked for with great anxiety in many parts of Ireland, and he hoped it would pass with the unanimous sanction of their Lordships.

The Marquess of WESTMEATH said, that what he particularly objected to was the arbitrary power which the Bill placed in the hands of the Poor Law Commissioners, who, by themselves or their delegates, might exercise great oppression. He therefore could not allow this Bill to pass without protesting against a principle which was now becoming familiar to Parliament, namely, that of placing in the hands of the Poor Law Commissioners a power of which the House of Commons had always been most jealous—he meant the power of levying taxes.

Lord BEAUMONT thought that the Bill had been greatly misunderstood. It only gave the Treasury a wider discretion than they had before; it gave them a greater latitude, so as to enable them to allow unions which were really distressed, a greater length of time to pay their debts, and to call for payment from those unions which were able to pay in such proportion and as early as their circumstances seemed to justify. That latitude was not reduced by the present Bill, but extended according to the discretion of the Treasury.

Lord REDESDALE was suprised at such a power being given to the Treasury as this Bill conferred—a power that might be managed to a most dangerous extent in reference to elections. For, supposing that a certain union owed a considerable debt, and that the Commissioners a short time before an election was to take place demanded payment of the money, a certain candidate, in favour with the Government, might have it in his power to obtain good terms for the union, and then might come before the constituents with superior advantages, and obtain his election in consequence. That was a most dangerous and unconstitutional power to be vested in the Treasury. He did not meant to say that, in the present case, any undue influence would be used in reference to elections; but he thought it was not a fitting power for the Parliament to place in the hands of any Treasury, whatever confidence they might have in the Government. He hoped that some Parliamentary security would be required against the improper exercise of this power.

After a few words from the Earl of Glengall,

On Question, Resolved in the *Affirmative*.

Bill read 2^a.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 13, 1850.

Minutes.] Public Bills.—1^a West India Appeals; Alterations in Pleadings; Acts of Parliament Abbreviation; Drainage and Improvement of Land Advances.

2^a Sunday Fairs Prevention.

Reported.—Railways Abandonment; Factories.

3^a Australian Colonies Government; Fees (Court of Common Pleas).

CORN AVERAGES.

The **Earl of MARCH** begged to ask the right hon. Gentleman the President of the Board of Trade, whether Government was prepared to bring in any Bill for improving the mode of taking the averages of the price of corn, with a view to arrive at more correct results?

Mr. LABOUCHERE in reply said, that the noble Lord having called his attention to this subject during the last Session of Parliament, he had directed a circular to be sent round to the different inspectors, in order to ascertain whether it was possible to obtain more correct returns of the averages than those at present furnished. He admitted that the system on which the returns were now made up, was loose and inaccurate; but it was not equally clear that the averages returned were vitiated to any extent in consequence. The result of the inquiries he had made was, that except by a most expensive machinery and a vexatious interference as against the farmers, he feared it would be impossible greatly to improve the present system. But if the noble Lord or hon. Gentlemen connected with the agricultural interest could suggest a plan by which, without incurring any great additional expense, or interfering vexatiously with the farmer, more accurate returns could be obtained, he should be happy to give it his best consideration.

AUSTRALIAN COLONIES GOVERNMENT BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. GLADSTONE said, previous to the third reading of this Bill, he wished to propose to the House that they should pass a resolution, notice of which had been previously given. He was very sensible that it was an apparently invidious task to propose to the House to retard, even for a moment, the passing of a measure which had for its object, or at all events for a main portion of its object, to confer franchises and representative institutions upon a portion of our fellow-subjects who had not hitherto had the advantage of enjoying them. But he feared lest this Bill should prove a new exemplification of the truth of the old maxim, that the more haste was sometimes the worst speed; for he believed that the legislative measure which they were now asked to sanction was crude and immature, and in some important particulars was at variance with the establishment of those institutions. He was convinced it would not only be the best, on grounds of general policy, but it would also save the time of the Government of this country, and enlarge the colonial freedom, if they were to ascertain the feeling of the inhabitants of the colonies before we finally dismissed the measure. The House knew the inconvenience of arriving at an overhasty decision on these matters. Her Majesty's Government had not been many weeks in office, in 1846, when they asked and obtained the consent of Parliament to a Bill providing a constitution for New Zealand; and before many weeks had passed, that constitution was on its way across the sea. What subsequently took place amply demonstrated that if there had been any one in this House able to persuade the House to refuse the demand for immediate legislation, that person, however unacceptable and unpopular his Motion might at the moment have been, would eventually have been acknowledged as the good genius of the colonial department. For what happened? The constitution arrived in New Zealand; and the very next post brought back a demand on the part of the Governor that the law should be suspended—a demand so urgent that the Government were compelled at once to propose to the new Parliament that it should undo, bodily and entirely, that constitution which, twelve months before, the preceding Parliament had been asked to sanction. It is impossible to overrate the importance of the duty in which Parliament is engaged, in framing a constitution for the Australian colonies. The impulses we communicate, and the form in which we mould their institutions, will, in all probability, exercise a lasting influence for good or for evil on that population. He did not say that they would never again hear of Australian legislation. On the contrary, it was one of his main complaints against this Bill that it contained the seeds of frequent reference to the Government and Parliament of this country; but he did contend that it was the duty of Parliament to make the measure which it was proposed to confer on the Australian colonies, as far as possible, a final measure. Their duty was to see that it was a measure well considered in itself, and that it was in all respects the best that could be framed, consistent with the wishes and feelings of the colonies themselves; and though he was reluctant to ask that they should further refer the measure to the colonies before finally sanctioning it, yet he thought he could lay before the House what would amply justify the demand. After all, there was nothing strange in the demand for delay. Earl Grey thought it necessary to deliberate from 1846 to 1849 before he could satisfy his own mind as to the provisions of a Bill that would give a representative constitution to the Australian colonies. And yet this was the first year that the House had any real opportunity of considering its provisions; and if the deliberations of Parliament were to be anything more than a mere form—anything more than a mere decent ceremonial—if the Acts of Parliament were to be anything more than a mere registering of the decrees of the Executive Government—if it were intended that the mind of Parliament should be directed to the subject before sanctioning the law, it was not unreasonable that they should have an opportunity of referring its provisions to the colonists themselves before they gave their final sanction to the measure which was now before them. The argument to which he would be inclined most to refer, if it could be justly urged in favour of the Bill, was, that it was in conformity to the ascertained wishes of the people of the colonies. If that were so, he would be prepared to overlook many defects and shortcomings in the provisions of the Bill. But he was prepared to say that they had no proof that the wishes of the colonists in general were in favour of this Bill; on the contrary, they had demonstrable proof that in many particulars it was directly repugnant to their wishes. He did not mean to deny that in Van Diemen's Land there was a great anxiety for representative institutions, and that the smallest delay in conferring those institutions would be considered, in itself, unacceptable to the feelings of the people of that colony. But the people there would unquestionably say—let our representative institutions be such as have received the sufficient and final consideration of Parliament; let them not be institutions which will give us a limited, and in some respects a nominal freedom—let them not be institutions which will place our representatives under the superintendence and jealous control of the Crown, exercised both over the Governor and the Legislative Council—let it be a deliberate and, so far as England is concerned, a final measure. But they were not to confine their view to Van Diemen's Land alone; they must extend their consideration to the great mass of their fellow-subjects in every quarter of the globe. With regard to South Australia, he admitted that when first the people received the Bill, they expressed their thanks to the Government for the introduction of the measure; and he, for one, frankly joined in the thanks thus offered for the motives which had induced the Government of their own accord to bring forward such a measure. But they must recollect that those who thus expressed their satisfaction at the prospect of obtaining representative institutions were persons who had not hitherto enjoyed them; and living hitherto under an almost absolute Government, so far as legislation was concerned, it was natural that they should regard with satisfaction any measure which tended to their enfranchisement. But did the colony of Soth Australia approve of the measure as it stood? They did no such thing; because many of the provisions in this measure fell short of their demands. The Governors of the colonies objected to that which was the principal foundation of the measure—the reservation of a veto to the Colonial Department, and the right of revising all colonial legislation; and he objected to the constitution of the general assembly—to the principle of a single chamber. The Council of South Australia objected to the retention of the veto by the

Colonial Office, to the constitution of the general assembly, and to a single legislative assembly. The inhabitants of Adelaide, who rendered their thanks to the Government for the measure as a whole, objected likewise to the constitution of the general assembly, and they objected to the control retained over the salaries paid to public officers, as well as to the control retained over all changes in the elective franchise. From the colony of Van Diemen's Land there was no report approving of the provisions of this Bill. But the Governor had sent home an emphatic disapproval of the constitution of the general assembly, as well as of the single legislative chamber. In New South Wales the Governor and the Legislative Council both opposed the constitution—the vicious constitution of the single chamber, which they were about to sanction. It followed, therefore, that on every point on which the opinion of the people has been declared, they were at variance with the provisions of the measure which the House was about to adopt. But this was not all with regard to New South Wales, the inhabitants of which had prayed for a change in their colonial franchise; and this prayer, by adopting the present measure, the House would refuse. Further, a great change had taken place in the views of the Government within the last twelve months. There had been an important announcement on the part of Her Majesty's Government, that they were prepared, in the case of the Cape of Good Hope, to frame a second legislative chamber on the basis of the elective principle. A disclosure of the measures of Government so novel, and which was sure to produce electrical effects wherever it was spread, was sufficient of itself to require in sound policy that it should be made known to the people of Australia before we fixed upon them a Parliamentary constitution. He asked what would be the feeling of these colonies if they found themselves saddled with a principle of government which declared that they were unfit for the exercise of legislative functions unless they were placed under watch and ward by a compact body of the nominees of Government, while they found that to other colonies concessions had been made which to them were ungraciously refused. The objections—the positive and strong objections—which he entertained against this Bill, related to four points. He objected to that provision in the Bill which required the constant interference of the authorities at home with the future management of the local affairs of the colony. He objected to that provision which required that two out of the five colonies should have power to erect a general assembly, with powers to over-ride the acts of the legislatures in each colony. He objected to them bequeathing, as their last legislative gift to Australia, a constitution based on the principle of a single legislative chamber, especially a single chamber composed as that of New South Wales was. He objected on the part of New South Wales to their refusing to deal with the elective franchise in that colony. He would begin by stating on what occasions the Bill provided for the interference of the authorities at home. In the first place, it provided that no law should pass, whatever its naure, without being subject to revision; and, of course, to possible disallowance at home. No law could be carried into effect in the colonies if it touched the question of salaries to the governors, either actually or in prospect, or what touched on the provision made for public worship either actually or in prospect, unless it contained a suspending clause, that was to say, till it was sent home; for the House would understand that, though all measures were sent home, yet in ordinary cases, pending the sanction of the Home Government, they had the force of law. It provided that the constitution of the general assembly should be sent home, that any alterations in its constitution should also be referred, as well all that related to the limitation of powers between the general and local legislatures. Then it provided that the constitution of the colonies should not be altered, nor that any change should be made in the elective franchise, unless the measure was first referred home. Now, he contended that these were matters in which the colonies alone were concerned—that they were the best judges how to regulate the electoral franchise—that they had means of judgment which the Government at home did not possess—that they had not only the right of judging, but that they ought to have the responsibility of judging; and this House would commit a serious error if they took the burden of these responsibilities upon themselves. Lastly, there was reserved for the revision of the Government at home the management of the colonial lands—a question which transcended in importance all others; for if there was a question which excited or absorbed public feeling in the colonies, it was the management of their waste lands—the fund and treasure-house of their future wealth. With regard to retaining a veto on colonial legislation, up to a recent period he had been so far deluded with the idea that it was of use in order to secure colonial legislation, that he had come to no deliberate opinion that it ought to be given up. But subsequent reflection had satisfied him that it ought not to be retained. It was the cause that they had at present the whole responsibility as to the internal government of the colony —as to the police of the colony; and they were burdened with the whole extravagant expenditure which flowed from that responsibility—an expenditure which would never be diminished till more rational ideas were entertained of our freeing ourselves from responsibility in colonial affairs; and he feared it would be long before rational ideas were adopted on this head if they allowed the present opportunity to pass of giving their fellow-subjects, who were admitted to be quite prepared for the reception of representative institutions, the right of managing their own local affairs. What was the reason for maintaining this veto on the laws of the colony? Had it the advantage of securing a uniform system of law throughout the empire? No such thing, because laws had been passed in several of our colonies which were many of them at variance with the British law. But if it did not secure uniformity, what else did it do? It made law for a considerable period uncertain, thus detracting from the authority of the colonial legislature, because often a period elapsed of from twelve to eighteen months, and even of two years, between the passing of a law and the obtaining the sanction of the Crown. Till that sanction was obtained, no man could tell whether it was law or not. Surely that was an evil of a very serious kind. Further, it had the effect of lowering the colonial tone—it was adverse to the cherishing habits of freedom and self-dependence. There are in all colonies a mass of citizens, the most valuable often for wealth and intelligence, who are at all times too ready to withdraw from public affairs; and that is a tendency which this measure will foster and encourage. Because those individuals who are fond of their personal ease will abstain from interfering in the management of colonial affairs, knowing that Parliament will revise their proceedings, and trusting to Parliament to prevent any flagrant measure from passing. They could never separate the rights of freemen from the responsibilities of freemen; they could never take away the rights of freemen without taking away their responsibilities too. They would never have had that masculine tone in the American colonies, which actually grew up there, if this system of legislation had prevailed in the seventeenth century. Let them give the colonies those benefits in reality, which in words they professed to do—let them take the responsibility of framing the details of their own laws. What imaginable and what conceivable reason could there be for the hon. Gentleman opposite, or the noble Earl at the head of the colonial department, or the numerous staff which was maintained at so much expense under them —what reason was there for these parties doing duties which belonged of right to the people of these colonies? But these were not merely negative evils. He would venture to state to the House that this system of interfering with the colonial laws was, in many cases, productive of the most vexatious results; because, though they could not succeed, and did not always attempt to make the law of England the strict rule and model for colonial legislation, yet sometimes they did apply that rule, and the effect was most grievous to the colonies. He would state only a single instance of this. The Legislature of New South Wales passed an Act which provided that the proprietors of stock might mortgage the growing crop, or, as it was called there, clip of wool. It might at once be understood that this was a measure of enormous importance to the development of the resources of that colony. To them it was of immense importance to possess—to us it would be no object whatever to withhold. But it happened to be contrary, or to be esteemed to be contrary, to a principle in the bankrupt law of this country, because, though a similar provision was allowed for the mortgage of ships, yet, with respect to ordinary property, such an arrangement could not be made. He believed that the Colonial Office had acted in the spirit of their duty, as imposed upon them by the present vicious system, in withholding their sanction from this colonial law; but it became matter of most disagreeable discussion between the Governor and the local authorities, and he could not say whether, up to the present moment, this real grievance had been redressed. Now, he would ask, with what propriety, or with what common sense, they could profess to give to local communities the management of their own concerns, when they refused their sanction to an act of the legislature like this? But there was another reason. He felt that the cases in which it was most desirable that this country should interfere, were precisely the cases in which they would find it impossible to do so—cases in which the views of the colonies differed so much from theirs, that where they would be most tempted, and would most desire to interfere, but in which, by their interference, they would be most apt to wound the colonial dignity, and to hazard the colonial connexion. He would mention two such instances. One of them was the Canada Rebellion Losses Bill, of last year; a Bill which he was sure would appeal at once to the feelings of the House. His conviction was, that it was a misfortune that we should have had the power to interfere in that case, as we had not interfered. Why should we have had a power reserved to the Crown to prevent an Act which no Minister of this country could ever have dared propose to the Imperial Legislature, and yet have been unable to exercise that power? Never in respect to England, never in respect to Scotland, never in respect to Ireland, would the noble Lord at the head of the Government have ventured to propose to the Imperial Parliament that it should pass an Act which sought to compensate men who had borne arms against their sovereign for losses which they had suffered whilst bearing those arms. But they were told, that where the distinction of races and local accidents had introduced a new set of ideas into the colony, where the form and condition of society were very different from what they were in the mother country, it was very fit that they should pass such an Act, and that the Crown should not refuse its assent to it. They were told it was a matter of purely local concern, with which this country had nothing to do—that it was the business of the colonists, and that they alone ought to settle it. Well, then, if that were so, he could only say that he wished they had not contracted any stain by having been obliged to give their consent to it. He would next refer to the second case, which was that of the University of Toronto. In the year 1797 the legislature of Canada West prayed the Crown that a university might be chartered in the colony, and offered to endow it. Shortly afterwards a portion of the wild lands was set aside for the uses of the university; and in the year 1827 it was chartered by King George IV., under the title of King's College, and upon the model of Oxford. The charter had not been long in operation when the constitution of the college was materially altered; and in the year 1849 its title was altered from King's College to "The University of Toronto," by an Act which provided that religious instruction should be altogether excluded from the business and work of the university. Now, if in this country a gift of public land had been given to any great institution, which should subsequently be altered in its constitution in a manner which Parliament might not think was altogether wise, an attempt might be made to reform it; but it would not be stripped of its property if there appeared to be any chance of improving it. But the University of Toronto had been stripped, and those who professed the Protestant religion had been obliged to leave it in consequence of the new constitution. He did not mean to say, indeed he did not think, that the Government at home ought to have taken upon itself the responsibility of refusing its assent to that Act. There was no doubt about its being a purely local matter; but he again repeated that it would have been better if the Crown had never had the power to interfere at all, as it would in that case never have been obliged to accept such a responsibility as that of assenting to such a measure. He had now said quite enough to weary the House upon the subject of the local legislature. He should pass on to the next point. He objected to the clause in the Bill which was to provide for the foundation of a general assembly. He thought that no such general assembly should be liable to be called into existence upon the requisition of two out of the five colonies that were to be represented in it; and he asked the House to give time for the proper consideration of the Bill, because such a principle was repugnant to the wishes of the colonists themselves. He said it was repugnant to the wishes of the colonists, for he did not think that the Government had received from one single governor of any one of the colonies, from one single legislative body, from one single organ of public opinion, or from one single public meeting of the inhabitants of any colony, a single solitary approval of the scheme of a general assembly. On the contrary, he believed that the wishes of the colonists were altogether opposed to a general assembly. And he begged to observe that it was no answer to his objection to say, that its appointment was optional; because inasmuch as two of the colonies becoming requisitionists were to be sufficient to call it into existence, those who were most strongly opposed to it might be coerced into sending representatives to it—they might actually be drawn into it unwillingly. But he contended that it was unfit for the colonists. The colonies were not yet mature enough for such an institution. It was founded upon an inapplicable example. They were about to make it upon a precipitate inference from what was not in any way applicable to the matter. They had taken as their model the United States of America. Why, what had the federation of the United States to do with the matter? They felt that they had to stand against the great Powers of Europe, and their only chance lay in federation. Portions of their territory were claimed by England, by France, and by Spain. They were obliged to combine for mutual support. But in what respect did the condition of the Australian colonies resemble the United States of America? The case of the British North American colonies, indeed, was very different. But still even there it would be very difficult to solve the problem of the precise principles upon which a general assembly should be constructed, and to determine the powers of such a body, limited as they should be by the local rights of the colonial governments upon the one hand, and by the omnipotence of Parliament upon the other. Next, he should say, that with regard to the local legislatures, he thought that all that had passed in that House upon the subject of a single or a double chamber, showed the universal feeling of the House to be in favour of a double chamber; and he felt that the question had been decided, not in reference to the interests of Parliament or the country, nor in reference to the interests of Australia, but in reference merely to political interests and the division of parties at home. He might be wrong, but it was his confident opinion that the impartial vote of that House would have been in favour of a double chamber, if it had been possible; and he fully admitted the difficulty of separating that question from all connexion with, or bearing upon, the position of the colonial administration. He was not now assailing the Administration, or making any complaint against them—he was only stating what he regarded as a matter of fact inseparable from our system of colonial government. He believed that every authority was against a single chamber, with one of which only he would trouble the House. It was that of the Governor of Van Diemen's Land, Sir W. Denison, who said in a despatch to Earl Grey, Dec. 28, 1849 —

> "I am afraid, that the remedy proposed by the Committee of the Privy Council, namely, that of vesting a power in the legislatures of the different colonies, of amending their constitutions, by resolving either of their single houses of legislature into two, will hardly meet the evil. A single house of assembly or legislative body will always attempt to assume to itself a portion of the power of the executive. The members, looking to the class from which they are likely to be selected, will not have much idea of the importance of imposing strict and definite limits for the purpose of keeping the executive and legislative functions perfectly separate and distinct. The proceedings of the legislative assembly at Sydney, during the last session, will afford ample evidence of the tendency of a single legislative body to struggle for the possession of executive power, if, indeed, any evidence of such a fact be required. When, therefore, a body thus constituted has once found itself in the possession of a power which it may be enabled to wield in some instances for the benefit of the individual members, in others for the purpose of assuming to itself some portion of the power which can only be wielded properly by the executive, it is not at all probable that it will originate or carry out a change which will in effect diminish its power, and tend to deprive each individual composing it of a portion of the importance which attaches to him as a member of such a body. I would submit also that if each colony be empowered to alter its constitution irrespective of any changes in the other colonies of the Australian group, the reasons which have induced the Committee of Council to recommend that all should have governments constituted upon the same model would seem to have but little weight, as a change on the part of any of the four would at once destroy the uniformity. My opinion, I confess, remains unchanged by anything that I have heard or read since I last addressed your Lordship on this subject. Indeed, every additional day that I remain in the colony serves to add to the strength of my conviction, that it would be most desirable, when the change in the form of the government of this colony does take place, that a second chamber should be constituted at once by authority of Parliament. Such a chamber, however, should differ from those which did exist in the North American colonies, inasmuch as a large portion of the members should be elected, or otherwise rendered independent of the Government, and they should hold their position for a long period, if not for life.

That was a perfect answer to the only argument in favour of the Bill, namely, that by the Bill they were now giving to those legislative chambers the means if they should think fit of improving their own constitution. He did not blame the Act of 1842. There were reasons for passing that Act. The convict element, which prevailed so strongly in the society of those colonies, was feared. Precautions had to be taken in trying the experiment, which was one of fearful and critical interest. They were obliged to take securities at all hazards, and they accordingly did take them. But the experiment having succeeded, they now thought that the time was come for giving full representative powers to all those Australian colonies. If so, and if the constitution of New South Wales were bad; if it could not be excused upon the ground of its being an experiment, why was it to be made the foundation of the universal constitution of all the Australian colonies? And to what purpose were their nominated members about to be appointed? What would be their position in the legislative council of New South Wales? What was it at present anywhere? Did they enjoy the respect either of the community or of their elected colleagues? Were they looked upon as going down to the House to give an independent vote; or were they considered as the mere tools and slaves of the Government? Why, they were looked upon as the mere tools of the Government. They were regarded as having no will, no opinion, and no conscience of their own, and as being mere instruments of the will of another. All the professions of Government, of being actuated solely by their desire to benefit the colony, were looked upon merely as so much wind and vapour. So it was in New South Wales; and no man surely would tell him that the composition of the council of the colony was in the slightest degree fitted, from the respect it commanded, to be adopted as the ideal standard of the constitution most fit to be constructed for all the Australian colonies. He would not then go into the question of whether there existed or not within the colony the means of forming two chambers. He thought the elements did exist. Let them look back to the cradle of the European constitutions, and they would see that there was a time when even we had only one chamber. But in that infancy of Anglo-Saxon institutions there were the different orders represented in that chamber, so that we had the germ of the second chamber there. And in the early constitutions of the American colonies the freemen and the assistants in the single chamber were the germs of the future senate and house of representatives. But there was one reason which, he should confess, most particularly made him think that if a double chamber were wanted in any place more especially than in another it was in the Australian colonies, and that reason was the necessity for dealing carefully with the wild lands. He was convinced that the Australian colonists would never be contented with an arrangement which would deprive them of the management of the wild lands. The Government would not give the management of those lands to the legislative councils, because they were afraid there would be foul play regarding them. They were afraid these lands would be turned to purposes of personal corruption. The proper cure for that would be, to have two legislative chambers, one of which would be a check upon the other; which was a reason given by Mr. Maddison for the adoption of a senate in the United States. But where were the germs of a second chamber in the plan now proposed for the government of Australia? Would the nominated members ever rise into sufficient importance for that purpose? No; on the contrary, they would lose position, and be worn down under the pressure of public opinion in the colony, until they disappeared altogether. He did not mean to say that they should form a perfect constitution at once, and force it upon the people of Australia. It was not their business to force any such system upon those colonists. It would be better the colonists should accept a bad constitution at the hands of the mother country, and work it out and improve it themselves, than that they should take a better one which would be forced upon them without leaving them the option of improving it. But what he complained of was, that they had never given the colonists the chance of a double chamber at all; and he complained that the very Government which denied this chance to the Australian colonists had given to the colonists at the Cape of Good Hope a chamber of representatives and a legislative council based upon the principle of election. The plan, he contended, ought to be made known to the people of Australia before Parliament gave its final sanction to it. With regard to the present state of the franchise in New South Wales, he had a few remarks to offer. He spoke of New South Wales as the colony which contained at present two-thirds of the whole population that was about to be affected by the measure. They had in New South Wales an extremely narrow franchise. Was a narrow franchise necessary for the maintenance of the institutions of that colony, or to give a proper tone to the proceedings? No such thing. He had been informed by a gentleman who was very much distinguished in the colony, and whose name had been frequently mentioned in that House—he meant Mr. Lowe, who had been a distinguished member of the legislative council—he had been informed by that gentleman that the colonists were exceedingly anxious to have the franchise qualification extended, for that it was based upon a very narrow footing at present. It did not admit of a leasehold qualification at all, whereby it excluded some of the greatest capitalists of the colony—the great stockholders; and it required a man to have a house of the value of 20*l.* a year, whereby it excluded the great bulk of the recently arrived emigrants who had not had time to acquire any great amount of property. On all abstract principles, then, they were bound to enlarge the franchise qualification in New South Wales; and if it were right upon abstract principles, why was it not done? It had been expressly prayed for by the colonists themselves. They had had it asked for by public meetings, by governors, by councils of the colonies, and they would not grant it; but what were they going to do instead? They were going to give away, prospectively, the power of dealing with the franchise to the future Government of New South Wales. Not to the present council, but to the future. Was it likely to be a more learned or a more enlightened body than the present? New South Wales was at present made up of two great districts, New South Wales Proper, and Port Phillip. The element of convict influence was strong in New South Wales. It was weak in Port Phillip. The present council was formed from the two jointly. But this would not allow the franchise qualification to be dealt with by the joint council, nor until Port Phillip and New South Wales were separated. But when they should have been separated, and when in New South Wales the convict influence should have been freed from the check which Port Phillip now opposed to it, then the franchise was to be extended. He was afraid that they were giving over the whole of the representation of New South Wales into the hands of an oligarchy of the very worst kind. And if anything were wanting to make such a provision still more incomprehensible, it was this, that whilst they were giving the power of extending the franchise qualification prospectively to New South Wales, they were giving it immediately to Van Diemen's Land and South Australia. If that were not an anomalous—he might indeed use the word "absurd" mode of proceeding, manifestly and upon the face of it, it would not be worth while to argue the point further to prove it so. He thought that no one could fail to see it. It was on these grounds that he had felt it his duty to ask the House not to give its final sanction to the Bill, until it should have given it further deliberation, and have had time for some further communications from the colonies with regard to it. He believed a Bill of that nature was mischievous to the growth of the colonies, and that it tended to restrict their freedom. Before they finally settled so important a question, they ought to consult the persons themselves who were most deeply interested; and they were bound to take care that the measure upon which they settled should be, he would not say perfect, permanent, and final, but that it should be the nearest possible approach to that which might be permanent. He protested against their imposing upon Parliament the high and dangerous responsibility of interfering with and controlling the local concerns of those colonies, convinced as he was that by taking upon themselves such management they would be entailing upon this country enormous expenses, and they would be entailing upon themselves the exercise of a power which he, for one, would not accept, because it would lead to the risk of the recurrence of occasions such as they had seen the evils of already, where an active interference would involve an opposition to the expressed will of the colonists; and a no less evil would be in a neutrality, which would involve public dishonesty. Let them give real freedom to the colonies, and they would at once consult the dictates of prudence, secure the honour of the Crown, draw forth the affections of the colonists towards the mother country, and place the connexion between them upon that basis of freedom and good feeling which every good citizen ought to wish to see established.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House, adverting to the numerous provisions of the Australian Colonies Government Bill, which require the interference of the authorities at home in the future regulation of the affairs of those colonies, and desirous to reduce as far as possible the occasions for such interference, and to place the political institutions of the said colonies upon the basis most likely to be permanent, will not give its further sanction to that Bill, until there shall have been afforded to the governors, legislatures, and people of the said colonies, an opportunity of considering the provisions of the measure as they stand, in conjunction with the several proposals varying from them which have been submitted to the notice of the House,' "

instead thereof.

MR. ROEBUCK rose to second the Amendment. The House was now called upon by the Government to take a most important step in the history of the administration of our colonies. The House was now called upon to divest itself, to a certain extent, of its power over these colonies. Was that policy of the Government justified by our colonial experience —the experience of ourselves, and of other nations? What were the circumstances under which the House was called upon to pass the Bill? It appeared to him that the Government had learned no lesson from the experience of the past; they had not yet learned that between the mother country and the colonies disputes might and would arise—disputes relative to the extent of the power of the colonies themselves. The noble Earl the Secretary of State for the Colonies had been chosen to that office because he was supposed to be fit for it. What had be done? When South Africa and Australia called on him to legislate for them, he applied to the Committee of Privy Council, by whom a constitution was drawn up. And, as the right hon. Gentleman the Member for the University of Oxford said, with regard to New Zealand, what had he done? He believed the noble Lord's impulse and his wish was to be right, but he had shown a want of courage in dealing with the principles which he professed. With regard to New Zealand, was there ever a body of men more worthy of the power of governing themselves than the emigrants there? They were men far above the real exigencies of want, men as able as the Members of that House to govern themselves. They planted a colony in that country, and they told the Colonial Minister what every colony of Englishmen had told the Colonial Minister, that they desired to govern themselves. Earl Grey was the first Colonial Minister who had said that that desire ought to be gratified, and had brought in a Bill for the purpose of carrying out the recommendation of these colonists. He did not agree with the right hon. Gentleman in what he said on that subject. There was a giving way—a yielding to the desires of a body of men who had justice on their side. What occurred? There was at present a very worthy Governor in New Zealand; as worthy a governor as ever was in a colony; but he had the feeling of a governor, and he did not like to give up his power, and when the constitution came out which was to make him a constitutional governor, all of a sudden he found out something that frightened the Colonial Minister. He said these men who, like himself, were educated Englishmen, would so oppress the natives of the country that they were utterly unworthy of the power of self-government. In the case of South Africa, again, the noble Lord had avoided responsibility. He went to the Committee of Privy Council, and out went instructions to the governor, and he was told, under those instructions, to propose a constitution to the existing body. The council were to adopt the constitution, and it was to come back home for confirmation, and by this circumbendibus route the noble Lord escaped responsibility. And what had he done with regard to Austrlia? Still acting on the suggestions of this council, who were made by him, the breath of whose nostrils were by him, and through whom he escaped all responsibility, he had proposed this Bill. Now, history told them all the difficulties that had arisen in consequence of the colonial connexion; and had one of them been alleviated by this Bill? Not one. Dealing with Australia, the noble Lord had come to that House, and placed pell-mell on one heap all the difficult problems they had to solve. He said, "I will raise certain bodies in that country, and upon them I will throw all the responsibility of all the great questions that arise out of a colonial question." Not one of them had he dared to solve; he did not deserve the name of a colonial legislator. The noble Lord had come down there under the influence of a generous spirit, wishing to give them self-government, but he had shirked his trust; he had abdicated his power, and thrown upon others that which his own position entailed upon him. This he said Earl Grey had done, and the proof of it was the Australian Bill, which was the combined wisdom of the Colonial Office. He said it was the combined wisdom of the Colonial Office, because it seemed to him that the House of Commons was a registering body. What the Minister chose to bring down, they, in obedience to his commands, registered. What the Minister would, they sanctioned; what he desired, they made a law. Of all the Bills that ever passed, the most lame, impotent, unsymmetrical, and incomplete, was the Bill now on their table. Why, Clarendon was a far better Minister for a colony than Earl Grey. Earl Grey might permit himself to be placed in the same category with such a man; but considering the evidence and the experience which this age had taught us, when we had colonies so numerous, and had gone through a vast vicissitude of fortune, that no other nation could equal us with regard to it, the meanest of men, almost, might have learned a lesson from that experience. But none of the cases on which we had experience was provided for. There was a connection between the colony and the mother country; but did the Bill point out in any way whatever where the power of the mother country ended, and where the power of the colony began? Not at all; there was no line, all was undefined. What were they about to do? They were about to give to the colonies that which would cause constant dissensions. The noble Earl himself knew, and had often declared, that the great source of all disputes between the colonies and the mother country had arisen out of the constitution of the second chamber. Two chambers, he acknowledged, were requisite. And how did he get out of the difficulty? Just mark the want of courage, the want of daring to brave the responsibilities of his position. The noble Earl's own opinion was, that two chambers should exist, and should be chosen by the people; but he did not dare to take the responsibility of proposing that. He threw the responsibility on the colonies. He (Mr. Roebuck) believed that the permissive power in the Bill was a very wise power. He liked the idea of making any large section, or any large portion, of the world homogeneous, and uniting them under one government, especially when they were of one name and nation; and if there were a means of uniting this people under one general assembly, he thought it extremely desirable to take advantage of the chance of so doing. But when he so said, he might be permitted to draw the line, and to show wherein the powers of this general assembly consisted: first, with regard to the separate assemblies out of which it was to be derived; and, next, with regard to the great metropolitan empire of which it formed a part. Why, this Bill took no notice of this; there was no mention of a general confederation, no provision or preparation for it in the Bill. And he had the more right to mark and signalise this, because the noble Earl could not have been aware of the great evidence which history had given us. He charged the Ministry with utter incapacity and impotency, because in dealing with great interests like this they had brought in an inefficient measure. In the southern hemisphere our descendants were destined to see a great empire arise, which, as he believed, would rival the great empire in the west; but when posterity should see that great people in existence, they would say it was owing to the individual perseverance and power of Englishmen, standing alone, unaided, unassisted—nay, thwarted—by the Government of the country to which they belonged. It was because he believed that this thing which they called a Bill—and which was some time or other to be an Act—because it would not advance, but throw back, civilisation in our colonies, that he seconded the Amendment of the right hon. Gentleman the Member for the University of Oxford.

Mr. HAWES said, he believed he might fairly ask the indulgence of the House, and plead on his own behalf some difficulty in following the right hon. Gentleman and his seconder, the hon. and learned Gentleman who had just sat down, inasmuch as he could be but little prepared for the speech of the right hon. Gentleman—a speech upon every topic and principle of colonial policy which could by possibility be brought into discussion upon the third reading of the Australian Colonies Bill. This Amendment was one which bore upon the face of it a very limited and narrow character. The right hon. Gentleman desired to proceed no further with the Bill at present, but to transmit the Bill and all the Amendments adopted and rejected by the House in the course of discussions upon it to the governors, the legislatures, and the people of four colonies; and he called upon those legislative bodies, and the people of those colonies, to return to the House an answer by which we should be enabled hereafter to legislate satisfactorily to the colonists. He thought it would have been better at once to have moved that the Bill be read a third time that day six months. That would have been a direct course. But the right hon. Gentleman, as he had said, had dilated upon every topic relevant or irrelevant to the subject under discussion.

He (Mr. Hawes) must say, that if they adopted the opinion of the right hon. Gentleman on this occasion, they went far to decide the question whether they were to retain their colonies or dependencies or not. For, if he understood the right hon. Gentleman, he waived the veto of the Crown; he maintained that the veto of the Crown and the appointment of governor by the Crown involved the country in disputes and expense. Why, in what way was he to read that proposition? Was he not to infer that the right hon. Gentleman had not only changed his opinions, but indeed totally abandoned the opinions that he formerly held? When the Bill was introduced into the House, the right hon. Gentleman said he was in favour of the principle of the Bill. And what was the principle of the Bill? The Bill did not propose to surrender the powers of the Crown; it did not propose to separate England from the colonies, but if they followed the right hon. Gentleman's argument to its conclusion, it came to this, that on account of the expense he was prepared to abandon our colonial empire, and to relieve Parliament from matters connected with colonial legislation. [Mr. GLADSTONE: Colonial local legislation.] But how was the right hon. Gentleman to deal with the question of local legislation? Upon that question he had not enlightened the House. He thought the right hon. Gentleman had been Colonial Secretary long enough to know the extreme difficulty of drawing the line between questions which were local, and questions which were imperial. Why, the right hon. Baronet the Member for Southwark proposed that the colonists should have the power of local or internal legislation without the sanction of the Crown; but when he came to define what was local and what was imperial legislation, the hon. Baronet found it necessary at once to provide against inevitable disputes, and to create a tribunal for their settlement in a Committee of Privy Council. Look to the scheme of the right hon. Gentleman. Every Bill that interfered with the prerogative in any degree would, of course, be objected to by the law officers of the Government. They would be bound to watch over the least encroachment upon the then limited prerogative of the Crown. This Bill, on the contrary, adopted an existing constitution—one that had been tried, and one which, he repeated again, had met with the assent and consent of the inhabitants of New South Wales. But the Bill went further than that; it gave the colonists the power to amend the constitution. Now, he contended that that power was more likely to prevent collision between the mother country and the colonies than anything else. That power was for the first time conceded to the colonies by this Bill. [Mr. GLADSTONE: No!] The right hon. Gentleman, as far as he understood him, would give the power absolutely to the colonies. He (Mr. Hawes) admitted that the veto of the Crown was retained, and he asked hon. Gentlemen connected with the colonies if they wished to have that put an end to? If it were abandoned, they abandoned that constitutional connexion which now existed between the colonies and the mother country. Was the House prepared to take such a step? But the practical question was this—was this Bill desired by the colonies or not? He understood the right hon. Gentleman to say they had expressed no approval of it. Why, the papers before the House, he imagined, must have escaped the right hon. Gentleman's attention. What did the great public meeting of South Australia say? They said this—

> "That the Bill laid before Parliament, entitled a Bill for the better government of Her Majesty's Australian colonies, so far as it relates to the colony of South Australia, meets the wishes and the wants of the colony in most of its essential provisions; and a Bill constituting a representative government with such extensive powers deserves to be regarded as a large, liberal, and comprehensive measure."

The right hon. Gentleman proposed to disappoint the people of South Australia; and on what grounds? In order to have a report from four governors, four legislatures, and the people of four colonies, before any final legislation was adopted. Why, it could only arrive here in the course of the next Session of Parliament, and then there would be such a mass of conflicting opinions to digest, *rudis indigestaque moles*, that no legislation could take place till the Session after that. Well, but they (the Government) said, if the colonists do not like this Bill, let them alter it—they have the power. If the object were to create a double chamber, and the colonists concurred with them, let them resort to the provisions of the Bill, and convert the single chamber into a double chamber. There was nothing to prevent that being done. Therefore, he contended that to delay this Bill was to delay a useful, and, in the language of the public meeting in South Australia, the resolutions of which he had quoted, "a liberal and comprehensive measure." The right hon. Gentleman spoke in favour of a double chamber. Let the House remember that this question had been discussed more than once, and already decided by the House by large majorities. The right hon. Gentleman seemed to think that there was some desire on the part of his noble Friend, Earl Grey, to exercise some power over the colonies which did not belong to his office; that he was anxious to fetter and limit the legislative powers of colonial assemblies. Now, he must say that anything more unfounded than that could not be supposed. If he understood the right hon. Gentleman right, he said he would give up the veto of the Crown. [Mr. GLADSTONE: On local questions.] But what were local questions? Was the Rebellion Loses Bill of last year a local or an imperial question? Did the right hon. Gentleman think that a local question? [Mr. GLADSTONE was understood to reply in the negative.] But the Canadian Parliament did, and it was so considered by this House. When a local legislature passed bills, they ought to be respected, and would always be respected, by the Home Government. But he would again ask the right hon. Gentleman, what was the line of distinction between imperial and local questions? Were land questions only local? Were revenue questions solely local? It was almost impossible, he conceived, to draw the line with satisfaction. The great objection the right hon. Gentleman had to the Bill was the establishment of a single chamber; and he admitted that even our first Parliaments consisted of a single chamber; in which, however, the different orders of the State were represented by distinct bodies or classes. Now, that was not practicable, even if desirable, in the colonies. And Scotland long had a single chamber, which managed its affairs, he believed, at least, to the satisfaction of Scotchmen. Passing by that, he would come to other questions connected with the Bill. It had met with the general approval of the colonists. In South Australia they had had this Bill before them, and pronounced it to be a wise and liberal measure. In Van Diemen's Land a great public meeting had been held, and not a single objection had been urged against the measure; on the contrary, they had prayed that its main provision, a single elective chamber, might be introduced in that colony. As there had been no official representation of that fact, the Government could not lay the papers before the House; but the fact was well known to all connected with the colony. In Port Phillip they had had a meeting, and passed a resolution to this effect:—

> "That a petition be addressed to the Crown, and to each House of Parliament, praying that the separation of Port Phillip and New South Wales may be immediately carried into effect, by a Bill having reference solely to that object, and also praying for the establishment of a separate legislature for this colony, on the same principle as now applies to the constitution of New South Wales, providing for the establishment of a legislative council, eighteen members of which to be returned by the several districts, and nine members to be nominated."

This was in fact the Bill of the Government, and not one objection to this measure had come from any one of the colonies—whilst the colonial press had been unanimous in favour of the Bill. Yet this was the Bill which the hon. and learned Member for Sheffield had characterised, with more eloquence than truth, so monstrous in its main provisions, and so objectionable, that he would join with the right hon. Gentleman the Member for the University of Oxford in arresting its further progress. The hon. and right hon. Gentlemen agreed in no one point of colonial policy; but they united in opposing a Bill more liberal than had ever yet been proposed for the government of our colonies, and against which no objection whatever had been urged by the colonists themselves, except in reference to the single chamber, and that was confined to the legislative council of South Australia, while the Bill itself gave them, the colonists, the power of establishing a double chamber if they pleased. He confidently appealed to those who had hitherto supported the Bill still to do so, and not to delay all legislation on this subject indefinitely, or at least for one or two years to come. Even if they waited to receive the mass of information and opinions which might be collected from the colonies—it was uncertain whether the House would concur in the suggestions that might be made; but this he knew, that the colonists approved of the Bill in its present shape. It was alleged that the only ground upon which the Government refused to concede a complete control to the colonists over their waste lands, was through fear of personal corruption and jobbing. That was certainly not the ground. The ground was a far higher one, and one which he hoped the House would appreciate. The waste lands of the colonies were in fact the estate of the Crown, held for the benefit of the people of England, as well as the people of the colonies; and the sole question was how it might be best managed for the benefit of both. The management of the local legislatures might be as honest and intelligent as the management at home; but still they must be subject to a local pressure, which would be extremely inconvenient, not because it would lead to personal corruption or favouritism—for every one knew that popularly constituted bodies were exposed to influences altogether apart from jobbing or corruption—but which, in this case, would tend, in the long run, to transfer those lands to a large number of owners at a very low price—to introduce a system not very different from that which had been found in our earlier colonies so mischievous in its operation. When the hon. and learned Member stated his belief that two chambers would afford a better security for the good administration of the waste lands than one, surely he must have forgotten the case of Canada. [Mr. ROEBUCK: There were two elective chambers in that case.] It was upon that circumstance, then, that security was relied on; but he (Mr. Hawes) did not believe that the double chamber would furnish the constitutional check anticipated. Could the House believe for a moment that with a double chamber there would be such an essential difference of interest and party as to constitute a valid and constitutional check? New South Wales doubtless contained many men of intelligence and ability; but its population was 200,000, while that of Port Phillip was but 35,000, and of South Australia 45,000. In such small communities the two chambers would really represent the same interest, and not form that check which the right hon. Gentleman relied on as his safeguard. Then the Bill had been objected to by the hon. and learned Member for Sheffield as not establishing a supreme court, like that of the United States. But then the United States had a written constitution, and the supreme court administered one body of law. But, with four or five different legislatures, each competent to make its own laws, and the same law being administered perhaps differently in each, a supreme court could come to no decision except with the aid of lawyers from the several colonies, and it would simply be a court of appeal from local tribunals. This was founded on a scheme of government totally different from that proposed, and one not easily realised. As to the franchise, the colonies themselves would have the power to regulate that; it might be left with confidence to the existing councils, who would doubtless regard the wishes and feelings of the people. It was said the Government had disregarded the frequently expressed wish of the colonists, that the franchise should be extended to leaseholders. The 10th section of the Bill contained a provision on that subject; but the whole question would be far better left to the colonists themselves. New Zealand had been adverted to both by the right hon. Member for the University of Oxford, and the hon. and learned Member for Sheffield, as a proof of what were called the blunders of the Colonial Office. He wished the House fully to understand the position of the question with regard to that colony. Some time ago a Bill giving a constitution to New Zealand had passed that House almost unanimously, and with the *bonâ fide* intention of carrying the measure out; but upon the representation of the Governor himself to the effect that so long as the European population was so small, and the revenues of the colony were paid so largely by a native population—a brave and high-spirited people, and well furnished with arms—laws made entirely by the European population would not be peaceably submitted to by the natives, the statute was suspended. But the accounts recently received from the colony, which would form the subject of future papers to be laid before the House, were so satisfactory both as to the progress of the colony and its tranquillity, that the Governor had intimated to Earl Grey that he was no longer of opinion that the introduction of representative institutions ought to be further delayed; and it was probable that in the course of next Session a legislative measure for this purpose would be introduced. Under these circumstances he hoped the hon. and learned Member for Cockermouth would see the propriety of not pressing the Amendment of which he had given notice, as the subject required much consideration. With regard to the Bill under discussion, he had heard no good ground why the House should reverse its former decision; he, therefore, hoped the Bill would be passed. The right hon. Gentleman had not even shadowed out any Bill of his own, and his principles were so vague that it was with difficulty they could be apprehended. He seemed disposed to surrender all the power of the Crown and the Secretary of State, perhaps with some reservations which were not very clear; but this Bill had received a degree of support in the colonies rarely obtained. The right hon. Gentleman asked why they did not revert to the old colonial principles of government. But all the old colonial charters contained these significant words: "No law shall be passed repugnant to the law of England." The result was, that suits brought under a local law were made matter of appeal to the home authorities; so that the Privy Council gained, in point of fact, a control over the legislation of the colonies. It was to avoid that tedious and unsatisfactory process, by which laws were frequently reversed long after they had passed, by a judicial decision, that the present power of sending the laws over at once to receive the sanction of the Crown was substituted; and he did not think that a return to the old practice would be any amendment. Believing the Bill to be well intended, as was indeed admitted on all hands—being anxious to pass a measure which should be acceptable to the colonists—and seeing that it contained provisions which would enable them to alter their constitutions if they pleased—he hoped the House would adhere to the opinion it had already expressed in favour of the Bill, and not concur in the resolution which the right hon. Gentleman had proposed, with a view indefinitely to postpone any legislation on this subject.

Mr. J. E. DENISON said, that, looking round on the House, he feared that it would be practically impossible now to introduce any amendment in this Bill, though permitted by the forms of the House, unless the Government would sanction them. He feared the Bill would have to go in its present shape to the other House. He thought the measure wrong in much that it gave, and more wrong in some things that it withheld. It was wrong in the form of constitution granted to these colonies, wrong as to the federal assembly, and certainly wrong as to the way in which that assembly was to be constituted. But it was infinitely more wrong in that which it withheld from the colonies—the management of their own waste lands. He had supposed the principle and very essence of the Bill to be, that people were better able to manage their own affairs than others at a distance of 16,000 miles could manage them for them. At all events, if they did not manage them better, they would do it more to their own satisfaction. Government gave the colonies the power of changing their constitutions, but withheld that great, material interest on which they most desired to exercise the power now granted. What made people colonists? What led men to separate themselves from all the ties of home and of kindred? The desire to become, in another hemisphere and a distant country, the possessors of land—to found the fortunes of themselves and families on the solid foundation of land which they could not obtain at home. It was said that the colonists had announced themselves favourable to this Bill; but the Bill which they approved contained the provision that they should have the management of their own waste lands. That had been publicly announced to them. When the Bill was first introduced last year, no mention was made of waste lands; a question was asked of the noble Lord at the head of the Government, who, after due consideration, came down and announced that it was the intention of Government to grant the management of the waste lands to the colonies. That had gone forth, and had been the source of infinite satisfaction to the colonists. So profound was the interest they took in these waste lands, that should the offer be made, would they have the management of the waste lands, and lose the rest of the Bill, or would they have Bill, without the management of the lands, there could be no doubt that the first alternative would be chosen. The Bill originally delegated the management unconditionally to the federal assembly, without any reservation to the Crown. When the matter came to be considered, it appeared that the federal assembly was a very bad tribunal for the purpose; and the noble Lord, late one evening, in Committee on the Bill, had given up the proposal of delegating the waste lands to the federal assembly; but he then made a very retrograde step, and said he should withdraw the power from the colonies altogether. Had he (Mr. Denison) known that that would be the result of the Amendment he had proposed, giving to the legislature of each colony the control of its own waste lands, he would have left the Bill as it stood; for bad as it was, it would have been much better to give the management to the federal assembly—which would never meet now, but would then have met, just for once, to settle the question of the waste lands — than to withdraw the power from the colonies altogether. It was said to be necessary to maintain uniformity of management of the waste lands. The meaning of uniformity was, that the same rule should be applied to things similar in themselves. But nothing could be more dissimilar than the condition of these several colonies; therefore, to apply the same rule to the management of their waste lands, was not to establish uniformity, but the greatest diversity. Then the noble Lord said a despatch had been received from the Governor of Van Diemen's Land, referring to a certain report, which threw so much light on the question, that it was very desirable its consideration should be deferred till the arrival of the report. But that despatch made entirely in favour of his view. The great object of the Governor of Van Diemen's Land was to show the striking difference which existed between that colony and those on the main land, and that nothing would so much injure the interests of Van Diemen's Land as a federal assembly, in which New South Wales should have the preponderance—the one being a purely pastoral district; the other a fertile country suited for agricultural purposes, with abundant water communication, and where the land was of more value. He noticed a report from the Legislative Council of New South Wales; and to this part of the despatch there was the following note appended:—"This report has not been received." He (Mr. Denison) sincerely hoped the hon. Under Secretary, on looking into the archives of the Colonial Office, would not find that this report had been by any accident overlooked, for he knew perfectly well that though the report, which was passed in September last, had never arrived, the author of that report had himself arrived in this country. He had had the advantage that day of conversing with the gentleman who presided over the committee of the legislative assembly, and was the author of the report in question, which had left the colony long before he did; and he was much surprised that it had not yet reached England. [Mr. Hawes: The report has been received, but is not yet printed.] The report had been agreed to unanimously by a committee of the legislative council, in September 1849; it had been adopted unanimously by the legislative council, and ought therefore to have been received with some attention. It represented, in the strongest language, the inconvenience, mischief, and injury of maintaining in New South Wales an upset price of land of 1*l.* per acre, and recommended that it should be reduced to 5*s.*; also that leaseholders should be permitted to occupy till purchasers could be obtained at 5*s.*, the leaseholders then to have the power of pre-emption. The system of keeping an upset price was a thoroughly false and rotten one, and had generally failed in the colonies. In New South Wales, where they had attempted to create concentration, separation and dispersion had been the result. The attempt thus to keep up a constant and exact proportion between capital and labour, in practice turned out to be a delusion. It would be more true to say that the best results followed from their disproportion—a superabundance of labour sometimes inviting capital—a superabundance of capital at other times attracting labour. In such cases, as was seen in the United States, the general interests of society advanced with a more equable pace when left to themselves, than when the attempt was made to enforce them by law. Had our legislation been founded on the same principle, it would have been more coincident with reason and common sense, than the attempt to fix upon land worth but a few shillings per acre an upset price of 1*l.*; indeed, now a reduction in the upset price might induce the colonists to acquiesce in the arrangement proposed in the Bill. But when the Government proposed to retain the exclusive management of the land, and to keep the upset price at 1*l.* per acre, the legislative assembly of New South Wales having unanimously resolved that that was injurious to the colony, and proposed its reduction to 5*s.*, it was a farce to talk of giving satisfaction and content to the colonies by any such proceeding. If this value of land suited South Australia or Port Phillip, it certainly did not suit a mere pastoral district like New South Wales; its own legislative assembly had decided that it was entirely injurious. To New South Wales, which contained perhaps two-thirds—certainly more than half—the population of all these colonies, the Bill gave no single thing but the power of altering its constitution—that constitution with which it was said to be so entirely satisfied that it had been adopted as a model for those of all the other colonies. Separating from it Port Phillip, and perhaps a large district to the north, the Government denied it that which it alone desired, and which they had already promised—the management of its own waste lands. The Bill could have no other effect than to invite the colonists to use the power which it gave them for wresting from this country that control over the waste lands which we should be compelled to surrender when we could no longer do so with either honour or advantage, but which might now be given up to the satisfaction of the colonists. He objected also to the constitution of the federal assembly. Since the last debate, some very slight alterations had been made. Before, New South Wales was to have 12 members, and Victoria 4; now, New South Wales would have 13, and Victoria 7. Was it probable that in an assembly which had the power of regulating fiscal duties, and determining the proportion which should go to the treasury of each State, that a State which had 13 voices in the assembly would obtain the co-operation of a State which only had 7, and that they would form a harmonious partnership in the matter of rates and revenues? Though the proportion had been altered, the principle remained the same, and was essentially vicious. Reference had been made in the last debate to the federal assembly as a means of promoting the formation of railways and canals. Since then he had been in communication with several gentlemen connected with the colonies, and learned that sometime ago a proposal had been made to construct a railway in a certain district of New South Wales. All the owners were but too happy to give their land for the sake of the means of communication which would be afforded them. Unfortunately, the line had to pass through some of the waste lands of the Crown. Application was made to the Colonial Secretary, who said—

> "I am sorry to tell you, gentlemen, that the law of the Imperial Parliament makes this land worth 1*l.* per acre. It is not in my power to make any concession; but I shall be happy to report your proposal to the Government at home, and in the course of twelve months you will have an answer."

The consequence was, that this useful undertaking had been nipped in the bud, and was wholly thrown aside. The question of the waste lands was one of great importance, and he should certainly bring it forward when the proper period for doing so arrived. He did not think the Bill a good one—what it did it did not do in the most useful way, and what it withheld, it withheld most injuriously. For these reasons he should vote against the third reading.

MR. C. ANSTEY intended to assent to the third reading of the Bill, but he wished to make a few observations confined to the grievances of the colony of Van Diemen's Land, in the hope that the Government would give to these grievances a favourable consideration. Between the years 1824 and 1840 the system of free emigration to Van Diemen's Land had a fair trial, and was attended with successful results. The emigrants went out on the understanding that the penal system was to be gradually abandoned; and by the year 1840 the convict population was reduced to only one-half its former proportion to the free population. In 1838, the colonists asked for free institutions, but the Government determined to delay conceding them for some time longer. Having withheld from them free institutions, the Government also resolved upon constituting Van Diemen's Land their penal settlement par excellence; and thenceforth transportation to New South Wales was ordered to cease. The result was, that since then from four to five thousand convicts annually were sent to Van Diemen's Land, diverting the free emigration to the more favoured colonies, and greatly diminishing the former excess of free population over the convict population. All the taxes raised by the colonists, too, were swallowed up by the cost of police; and whilst between 1828 and 1840 the sum invested in the purchase of land by the colonists alone was 218,000*l.*, and in 1840 it was 58,000*l.*; in 1845, the land fund had sunk so low that it was doubted whether it would exceed 2,000*l.* These facts had been admitted by the Colonial Secretary, and other Government officers; and yet no reparation or redress was given for the oppression that had been practised towards Van Diemen's Land. Now, the Bill before the House proposed to saddle the people of that colony with 13,300*l.* annually on account of police; so that the colonists who had petitioned to be rid of the convicts were not only not relieved of them, but were obliged to pay for them. This he held to be an imperial object, and ought, therefore, to be paid out of imperial resources. That was the object of the Amendment which he had put upon the Paper; and he trusted that the Government would acknowledge its justice. The Bill proposed to charge Port Phillip and South Australia—with a larger free population than Van Diemen's Land—each with 5,000*l.* annually for the same purpose as that for which it charged Van Diemen's Land with a burden of 13,300*l.* He wished the House to redress this glaring inequality, and to fix 5,000*l.* as the charge upon Van Diemen's Land, as well as upon each of the other two colonies. He had on former occasions referred to the actual condition of the waste-land question with regard to Van Diemen's Land. The policy of successive Governments had gradually reduced it until it was almost extinct; so that the Amendment proposed by the hon. Member for Malton was one in which Van Diemen's Land had almost no interest whatever. Sir W. Denison, in the despatch that had been often alluded to, was decidedly of opinion that the colonists ought not to be entrusted with the sole management of the waste lands; and he (Mr. Anstey) maintained that the colonists had signified their approval of this Bill with a knowledge of the nature of its provisions regarding waste lands. He considered that the Under Secretary for the Colonies had conclusively proved that popular opinion in the colonies was in favour of this measure, with all its defects; and that it was demanded by the circumstances of all the Australian colonies, with the exception of New South Wales, which, since Lord Stanley's Act in 1842, had had the power of remodelling its own constitution; but its legislative council had not yet taken any steps for exercising that power. But the question was, were they to refuse to the other Australian colonies that power of remodelling their own constitutions which they so urgently demanded, merely because New South Wales happened to be indifferent whether it possessed it or not? for that was the whole gist of the argument of the right hon. Gentleman the Member for the University of Oxford. With regard to the opinion of those who thought that this optional power would be practically inoperative, because the constituent assembly would not be likely to create another body co-ordinate with themselves, he entirely differed from that view. Indeed, as one entirely opposed to the principle of a second chamber, his only fear was, that, with the power in the hands of the governor of nominating one-third of the constituent assembly, the assembly would too readily be brought to entertain and adopt the double chamber. In conclusion, he trusted that the Government would favourably consider both the hon. Member for Malton's Amendment, and his (Mr. Anstey's) own suggestions; but whether they did so or not, the principle of the Bill would not be affected; and, believing that principle to be a sound one, he would cordially support the third reading of the measure.

Mr. AGLIONBY begged to make only one or two remarks in that stage of the debate. On the subject of the waste lands he would not enter, because he conceived that to be out of place on the present occasion. With respect to the civil list he would only observe, that he thought it ought to be put under the control of the local legislature, and the sooner the better. Now, with respect to the present Bill, and the various Amendments proposed, it seemed to him that the question raised by the right hon. Gentleman the Member for the University of Oxford was simply this, "would they take the Bill as it was, or postpone it for another Session?" Now, weighing the balance of good and evil, he (Mr. Aglionby) was for assenting to the Bill as it was at present. He concurred in a great deal of what had fallen from the right hon. Gentleman opposite, and agreed with him in some of his objections; but, at the same time, he considered it was better to take the Bill now than postpone it. It would be of importance to show the colonists that the Imperial Legislature was disposed to take a step and then a vote on the management of their own affairs. If he thought that was a final measure, he would oppose it; but, as it recognised a proper principle of self-government, and gave a means for improving and reforming the constitution hereafter, if found expedient, he did not think it ought to be put off for another Session.

Mr. F. SCOTT said, that the main argument in favour of this measure was, that it was ardently desired by the colonies. Now, it was admitted that there was considerable indifference with respect to it in the important colony of New South Wales. With respect to the others, it was not surprising that they should be anxious for representative institutions. But he denied that there was any evidence to show that they were in favour of this particular measure. On the contrary, as far as public opinion was manifested by the legislative councils, by the legislatures in the various colonies, and by public petitions, it was clear that the colonists desired to have a copy of the British constitution. He was not going to delay the House by repeating evidence adduced, or bringing forward extracts or documents to show that the supposed concurrence of the colonists in the projects of Government was ill founded. The Governor of New South Wales, in two several and distinct despatches, expressed his strong opinion as to the superior advantages of two chambers over one. The Governor of Van Diemen's Land had also on two separate occasions expressed himself in favour of a double chamber. Then there was the report of the Privy Council, which likewise stated that double-chamber would be preferable to single-chamber legislation. The noble Lord at the head of Her Majesty's Government, in introducing the measure, stated to the House, that "wherever the English went, they carried with them the freedom of the institutions of the mother country." Now, he wished to know, did the present Bill answer the purpose of the colonists, or enable them to carry out the spirit or freedom of the mother country? No; but so far from being a measure of a nature calculated to effect such, it was a mere experiment of the Colonial Office. The hon. Member the Under Secretary for the Colonies expressed his surprise at a postponement being called for until the opinions of the colonists should be ascertained, and assured the House that the opinions of the colonists were in favour of the measure, which he (Mr. Scott) begged to deny. They had given a double chamber to the Cape, yet denied it to Australia, which, he doubted not, would be the cause of stirring up strong feeling in the minds of the inhabitants there, and perhaps lead to dismemberment rather than continuance. It was in vain for majorities of that House to pass measures for the benefit, as they supposed, of the colonies, which, instead of conferring good forms of government, gave them nondescript ones, such as never previously existed in the colonies of this country, if he excepted that form of constitution given by Lord Stanley to New South Wales after it had ceased to be a penal settlement, and which was intended to be merely initiatory. He, therefore, called on Her Majesty's Ministers to withdraw that portion of the Bill which enacted legislation by only one chamber, as also that which had reference to the minimum price of land. Upon these grounds then, and also resting on the conviction that Her Majesty's Ministers had not, as they thought, the approbation of the colonists, of the Privy Council, or the House of Commons, in favour of this Bill, he thought it would be better to postpone the third reading of the measure until they should obtain better and more satisfactory information.

MR. SIMEON said, that in voting for the Amendment of the right hon. Gentleman the Member for the University of Oxford he should deeply regret their causing any dissatisfaction in the colonies; but it would be a cause of much deeper regret to him if they allowed themselves to pass a measure which would be dangerous to the character of that great legislative assembly, and injurious to the best interests of the colonies. The hon. Member the Under Secretary for the Colonies had characterised the proposition of the right hon. Representative for the University of Oxford as the strangest one he had ever heard; and, in answer to that, he (Mr. Simeon) should say that the contingency was probably the strangest that had ever before occurred in the British House of Commons. In the Speech of Her Majesty from the Throne, a liberal colonial policy was indicated and the first week in the Session the noble Lord the First Minister of the Crown came down to that House and delivered a speech which, he would venture to say, appealed to the heart of every man interested in the welfare of the colonies. Yet, notwithstanding all that, they had a series of protracted debates, in which hon. Gentlemen on one side of the House called for legislation by the operation of two chambers, the benefit of which Her Majesty's Ministers admitted in theory, though they opposed it in practice. The hon. Gentleman the Under Secretary for the Colonies had spoken of the Amendment as if it were prompted by a vain desire to save expense to the mother country. He (Mr. Simeon) could not consent to regard the colonies as costly incumbrances. He believed that the imperial fame of Great Britain depended more than on anything else on the preservation of her colonial connexions, and he would never be a party to the severing of what he hoped would continue for ages. They were told that the Bill contained a provision by which the colonies would have the power of altering their constitution if they found that it did not suit the exigencies of their position. The House had two courses before it in the outset: it might either have given the colonies the power of summoning constituent assemblies to make a constitution themselves, or it might have itself framed such a constitution as it seemed best; but, instead of taking either of those courses, it had taken a pitiable middle course, which would neither redound to the credit of this country, nor conduce to the interests of the colonists. He was confident that much disappointment would be felt in the colonies at such a measure following the speech of the noble Lord at the commencement of the Session. The Colonial Office had been an incubus upon the colonies; it had crushed their vigour and cramped their energies; and this attempt to perpetuate existing grievances and anomalies, would excite great dissatisfaction. Entertaining these views, he should support the Amendment; and he was confident that after the measure had been discussed in the colonies, the House would regret that it had not consented to postpone legislation until it was able to legislate for all times, and so as permanently to attach the affections of the colonists to the mother country.

Mr. HUME said, he concurred in the opinion of the hon. Gentleman who had just sat down that the Colonial Office had up to that moment been an incubus upon the colonies, and it was because he was anxious to get rid of its baneful domination that he supported the Bill. His aspiration year after year had been that the colonists might be allowed to govern themselves, and have a government conformable to their own wishes. He despaired of seeing anything good from the Colonial Office; but he regarded the speech of the noble Lord at the head of the Government, which had so often been referred to, as the commencement of a new era in the colonies. The measure under consideration he considered to be the measure, not of the Colonial Secretary, but of the noble Lord at the head of the Government, on whom it had been forced by the discontent caused throughout the whole of the colonies by the misgovernment of the Colonial Secretary. If there was any part of the Bill of which he (Mr. Hume) disapproved, it was the appointment of nominees. It was proved by the correspondence respecting the Cape of Good Hope, that in that colony the opinions of the ablest and most popular men were disregarded from the moment when they became the nominees of the Crown. Whilst he admitted that this Bill was full of anomalies, and that the Government ought to have taken a more decided course, he would, under the circumstances, counsel the House not to reject it. There was much in it to which he objected; for example, the provisions with respect to the civil list, and with respect to the allowances to the clergy; but the colonists themselves would be able to sweep away such anomalies. Each colony might choose its own time for forming a second chamber. Some colonies might not at present be prepared for such a step: but he had no doubt that in New South Wales and in Van Diemen's Land a second chamber would be formed without delay. If Parliament wished to keep the colonies, it must endeavour to make the connexion mutually honourable and advantageous. When the colonists had formed their government they would not tolerate anything like oppression on the part of this country. If the course entered upon in this Bill were continued, the colonists would, he thought, be satisfied; and were the case otherwise, they would have ample power to redress their grievances.

Mr. ADDERLEY said, that not only the hon. Member for Montrose, but all who had expressed their intention of voting for the third reading of the Bill, had not failed to inform the House that the measure was defective; and in this manner it was, that a great and important measure of this kind was to be passed by the Legislature of this country. At present, however, the simple question before the House was, whether they would pass the Bill, fraught as it was with delay, and calculated to produce many mischiefs, or whether they would do what the Government pretended they were anxious to do, namely, consult the colonies, before proceeding to legislate upon the form of government which might be acceptable to them. The old adage, "the more haste, the worse speed," was exactly applicable to the conduct of the Government with respect to this Bill. When it was introduced it was stated to be based upon two positions, that of consulting the colonists and avoiding delay; the Bill, however, was so happily concocted, that it did neither the one nor the other. Another objection to the Bill was, that it exactly reversed the wishes of the colonists. They were required, by its provisions, to suggest a form of constitution for themselves, which the Government at home were to criticise; whereas, what the colonists required was, that the Government should originate and propound some plans for them, making the carrying out of these plans contingent upon the concurrence of those for whom they were designed. The colonists had said, "If you are going to make us any newfangled constitutions, to give us electoral bodies such as no person on earth had ever yet heard of, we insist upon our right not to have any such constitution forced upon us, without previously having had our wishes consulted on the subject." The Government had proposed in their Bill an innovation of the British constitution, and were bound by their own principles to have consulted the colonies. It was impossible, if the measure were passed in its present state, that any permanent good could be effected for twenty years to come. There were four different parties in the colonies—the Government party, the Representative, the local South Australia, and the Federal party; and the question with respect to constitutions would be for years agitated among them without any final settlement being arrived at. He trusted that the Government would have the courage to postpone or suspend the Bill if they saw that the objects which they professed to have in view could be carried out in a more effectual manner than by the mode which they had proposed. It might be a great deal to ask, but still, from the importance of the subject, he felt constrained to ask, those liberal Members who had called themselves the advocates of colonial freedom, but who had voted for the Bill at the same time that they denounced it as one of a tyrannous tendency, and who had been dragged through a great deal while following the Government through the various stages of the Bill—to fall back upon their original principles, and support the Motion of the right hon. Member for the University of Oxford for the suspension of the Bill, in order to afford time for obtaining information on the subject.

Mr. DIVETT believed that the colonists of South Australia were most anxious that the Bill should be passed in its present shape, and would, therefore, cordially support the Motion for its third reading. Numerous attempts had been made to impede the progress of the Bill by Members of the Colonial Reform Association, who had spoken so often on the subject that other hon. Members had had but little chance of addressing the House; and he could only characterise their efforts as impracticable attempts to unite extreme Radicalism with extreme Toryism. It had been said by more than one hon. Member, that land could not be obtained in the Australian colonies under 1*l.* per acre: such, however, was not the case; and it would be seen from returns laid before the House, that land had been sold at prices much below that sum. Nothing could be more satisfactory than the working of the Land Act in South Australia. In his opinion, the colonies were greatly indebted to the Government for their perseverance in carrying through this Bill. This was the third Session in which it had been under the consideration of the House, and he should give it his support, believing that it would give satisfaction to the great body of the colonists.

Mr. STANFORD regretted that he was not able to vote in favour of the Amendment proposed by the right hon. Gentleman the Member for the University of Oxford. He should regret very much to see this country give up all control over the waste lands in the colonies, because, in his opinion, much benefit was derived from the opportunities afforded us by those waste lands of sending out our surplus population. With regard to the veto exercised by the Crown on measures passed in the colonial legislature, he thought that the right hon. Gentleman had been most unfortunate in the two instances which he had selected. If the Bill to allow the mortgaging of the wool of sheep had not received the veto of the Crown, it would have proved fatal to the interests of the colony; and Ministers advised the Crown to assent to the Rebellion Losses Bill, on the ground that it was supported by a large majority in Canada. No one could say that there had been any tyrannical exercise of the power of the Crown in those cases, and therefore he was by no means convinced by the right hon. Gentleman's arguments of the propriety of voting for his Amendment. The arguments used by the hon. and learned Member for Sheffield were of a different character. The hon. and learned Gentleman objected to the Bill because it did not preserve a proper analogy between the constitution of Australia and the constitution of this country. He recollected, however, a time when the hon. and learned Gentleman represented himself as a Diogenes searching in vain for the British constitution; and he was, consequently, rather astonished to find him objecting to this Bill on the ground that the constitution which it gave was not analogous to that British constitution which he was unable to find. The hon. and learned Gentleman's objections were merely theoretical, and he never addressed himself to the Amendment at all. Not having heard, therefore, any reasons which were sufficient to induce him to vote for the

Amendment, he should support the third reading of the Bill, although he did not think it a perfect measure.

MR. MACGREGOR, though not content with many of the provisions of the Bill, yet looking to the evil of further delay, and considering the good that it contained, he would support it, that it might be sent out to the colonies at once. If the Bill were to be a final measure, like the constitution given to the American colonies, he should not give it his assent; but seeing that it left so much to the colonists themselves, and having confidence in the noble Lord at the head of the Government, that he would not deny to the colonists any measure which appeared to them to be practical, he saw no reason for rejecting the Bill. With respect to the local affairs of the colonies, he thought the Colonial Office ought to leave to the colonists themselves the management of all those concerns which were of a peculiarly local character; but he would make some exceptions to these. He would not allow the colonies to impose heavy or restrictive duties on goods imported into their own territories either from the home country or a foreign country, or from one colony to another; and the various matters included in the schedules of the Bill he would leave to the colonists themselves to regulate; and with respect to salaries, while he would leave the salaries of the governor and the chief justice a matter of arrangement for the Home Government, he would leave all other public salaries to the management of the colonies. He considered also that some alteration should be made in the price of land in those colonies, which was so high that it drove many to the United States who would otherwise proceed to Australia.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 226; Noes 128: Majority 98.

List of the AYES.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anson, hon. Col.
Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bramston, T. W.
Brand, T.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Burke, Sir. T. J.
Busfield, W.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Cayley, E. S.
Chaplin, W. J.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Collins, W.
Colvile, C. R.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Cubitt, W.
Dalrymple, Capt.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Devereux, J. T.
Divett, E.
Drummond, H.
Duff, G. S.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Ellis, J.
Elliot, hon. J. E.
Evans, Sir D. L.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Freestun, Col.
French, F.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Harris, R.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heneage, G. H. W.
Heneage, E.
Henry, A.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, P. H.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jervis, Sir J.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Loch, J.
Locke, J.
M'Cullagh, W. T.
Macgregor, J.
Mahon, The O'Gorman
Mangles, R. D.
Martin, C. W.
Martin, S.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Moore, G. H.
Morgan, H. K. G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Mure, Col.
Norreys, Lord
O'Brien, Sir T.
O'Connell, M.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Paget, Lord C.
Parker, J.
Patten, J. W.
Pechell, Sir G. B.
Peel, rt. hon. Sir R.
Pelham, hon. D. A.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Plumptre, J. P.
Power, Dr.
Powlett, Lord W.
Price, Sir R.
Raphael, A.
Rawdon, Col.
Reid, Col.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.

Rich, H.
Robartes, T. J. A.
Roche, E. B.
Romilly, Col.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scrope, G. P.
Scully, F.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Somerville, rt.hn.Sir W.
Spearman, H. J.
Stanford, J. F.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord D.
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Tufnell, H.
Tynte, Col. C. J. K.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Wawn, J. T.
Wilcox, B. M.
Williams, J.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyvill, M.

TELLERS.
Hill, Lord M.
Bellew, R. M.

List of the NOES.

Adair, H. E.
Adderley, C. B.
Arkwright, G.
Bailey, J.
Baillie, H. J.
Bankes, G.
Baring, hon. F.
Bateson, T.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. G. F.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blair, S.
Blandford, Marq. of
Booth, Sir R. G.
Boyd, J.
Brisco, M.
Broadley, H.
Bromley, R.
Brooke, Sir A. B.
Campbell, hon. W. F.
Carew, W. H. P.
Castlereagh, Visct.
Chatterton, Col.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Corry, rt. hon. H. L.
Deedes, W.
Denison, J. E.
Disraeli, B.
Dod, J. W.
Drummond, H. H.
Duckworth, Sir J. T. B.
Dundas, G.
East, Sir J. B.
Estcourt, J. B. B.
Evelyn, W. J.
Farnham, E. B.
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Grogan, E.
Gwyn, H.
Hale, R. B.
Halsey, T. P.
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Hildyard, R. C.
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Hodgson, W. N.
Hood, Sir A.
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Hornby, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Law, hon. C. E.
Lennox, Lord A. G.
Lewisham, Visct.
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Smollett, A.
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Stafford, A.
Stanley, E.
Stephenson, R.
Stuart, H.
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Sutton, J. H. M.
Taylor, T. E.
Thesiger, Sir F.
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Tollemache, J.
Turner, G. J.
Vesey, hon. T.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Welby, G. E.
Wortley, rt. hon. J. S.
Yorke, hon. E. T.
Young, Sir J.

TELLERS.
Gladstone, W. E.
Roebuck, J. A.

Main Question put, and agreed to.

Bill read 3°.

MR. ROEBUCK then moved, pursuant to notice, the insertion of a Clause to enable the several Legislatures of the colonies in British North America to establish a General Federative Assembly for those colonies. It was his opinion that those colonies, if they were left in their present condition, would, before long, become annexed to the great federal union of the United States, already quite extensive enough. The only way to prevent this mishap would be to create a national feeling among them; and this object he believed his clause would effect.

LORD J. RUSSELL must object to the introduction of the clause. He did so without entering into the question whether or not it would be wise to form a federative assembly in our North American colonies; he considered it desirable to keep the present Bill limited to its stated object—the formation of federative assemblies in our South Australian colonies; and he therefore objected to the introduction into it of a provision relating to North America.

MR. ROEBUCK said, he should not press his Motion to a division. He was content on the present occasion with recording his opinion.

Motion made, and Question, "That the said Clause be now brought up, put, and negatived."

MR. AGLIONBY proposed a clause, providing for representative institutions and the means of self-government within the islands of New Zealand.

LORD J. RUSSELL said, that the Government had very recently received despatches from the Governor of New Zealand, in which he said, that at present the state of the colony was most satisfactory, and that he did not see any reason for continuing the suspension of the free institutions sanctioned by Parliament. At the same time there were certain points in respect of which the Government were desirous to amend the New Zealand constitution. There would not be time during the present Session to legislate on that question, as those points required most careful consideration; but in the course of the next year he hoped to submit to the House a measure on the subject.

Motion made, and Question proposed, "That the said Clause be now brought up."

Motion, by leave, withdrawn.

Mr. J. E. DENISON moved, as an Amendment, that the legislature of each colony should have the management of the waste lands within the limits of the colony.

Amendment proposed—

> "Page 8, line 35, after the word 'respectively,' to insert the words, 'And for selling, demising, granting licences for occupation of, or otherwise disposing of waste lands of the Crown within the limits of the colony, and for the appropriation of the money to arise from such disposition of such lands, anything in an Act of the sixth year of Her Majesty, intituled, 'An Act for regulating the sale of waste lands belonging to the Crown in the Australian colonies,' or in an Act of the tenth year of the reign of Her Majesty, to amend such an Act, and to make further provision for the management of such land, to the contrary notwithstanding: Provided always, that one equal half part of such gross proceeds shall be, and the same is hereby appropriated towards the expense of removal from the United Kingdom to the colony wherein such revenue accrued of emigrants from the United Kingdom.'"

Mr. HAWES said, that undoubtedly the question raised by this Amendment was of the greatest importance. The question, however, of land sales had been investigated by a Select Committee, and the Land Sales Act was the result of that investigation. The object of the Amendment was to transfer land in the colonies from imperial control. Now, the Legislative Council of South Australia had objected to any interference whatever with the Land Sales Act. The stockholders in New South Wales had distinctly requested of the Government to adhere to the policy of the same Act; and a petition had been presented to that House praying that the Act in question would be maintained. Therefore he thought that it would be highly inexpedient to depart from the policy of an Act, under which nearly 2,000,000*l.* sterling had been expended in emigration and in public works. The land fund of New South Wales had been of late years gradually increasing, which showed that attention was still directed to colonisation. The Governor, in his last despatch, informed them that the Legislative Council of New South Wales objected only to the price of land, and not to the manner in which it was sold, or to the control of the Executive Government. He hoped, therefore, that the hon. Member would withdraw his Amendment thus incidentally introduced.

Mr. HUME said, the subject was of too great importance to be disposed of incidentally. It ought to be coupled with the question of how far the colonies shall pay their own expenses. A substantive Motion ought to be made on the subject, and when brought forward he would be prepared to vote for giving the sale of the waste lands to the colonists themselves, so soon as they could fairly undertake it.

Mr. F. SCOTT said, the principle of 20*s.* an acre had been adopted because the South Australian Company had obtained land at that price, and did not wish to sell it for less. That was the reason why an Act of Parliament was passed raising the price of land in the colonies from 5*s.* to 20*s.* an acre. During six years prior to the Act, the land sales brought 800,000*l.*

Mr. HUTT disputed the statement of the hon. Under Secretary for the Colonies as far as they related to the South Australian Company.

Question put, "That those words be there inserted."

The House divided:—Ayes 82; Noes 222: Majority 140.

List of the AYES.

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Anstey, T. C.
Arkwright, G.
Bagot, hon. W.
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Bankes, G.
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Blackstone, W. S.
Blair, S.
Booth, Sir R. G.
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Buller, Sir J. Y.
Cabbell, B. B.
Carew, W. H. P.
Chatterton, Col.
Chichester, Lord J. L.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Cole, hon. H. A.
Deedes, W.
Disraeli, B.
Dod, J. W.
Drummond, H.
Duckworth, Sir J. T. B.
Dundas, G.
Estcourt, J. B. B.
Farrer, J.
Filmer, Sir E.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Galway, Visct.
Goddard, A. L.
Gore, W. R. O.
Grogan, E.
Halsey, T. P.
Hamilton, J. H.
Heneage, G. H. W.

Hood, Sir A.
Hornby, J.
Hudson, G.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Knight, F. W.
Knox, Col.
Lennox, Lord A. G.
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Lockhart, A. E.
Mackenzie, W. F.
Manners, Lord J.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, J.
O'Connell, M. J.
Packe, C. W.
Palmer, R.
Portal, M.
Prime, R.
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Repton, G. W. J.
Scholefield, W.
Sibthorp, Col.
Simeon, J.
Smollett, A.
Somerset, Capt.
Stanley, hon. E. H.
Stuart, H.
Sturt, H. G.
Sutton, J. H. M.
Thompson, Ald.
Vesey, hon. T.
Vyse, R. H. R. H.
Walpole, S. H.
Willoughby, Sir H.

TELLERS.
Scott, F.
Denison, J. E.

Bill passed.

STAMP DUTIES (No. 2).

The House resolved itself into Committee on the Stamp Duties.

The CHANCELLOR OF THE EXCHEQUER placed in the hands of the Chairman certain resolutions to be the foundation of a Bill.

SIR H. WILLOUGHBY wished to know the nature of the resolutions now proposed, and whether the right hon. Gentleman meant to bind the House to any opinion upon them? He begged to remind the right hon. Gentleman that, in the case of the Stamp Act of 1815, the discussion took place on the resolutions upon which the Bill was founded. If the resolutions upon which the recent Stamp Duties Bill was founded had been well considered, the House would have escaped the danger of having been on the eve of passing a measure which, under the pretence of a boon, would, in fact, have increased taxation to some portions of the community.

The CHANCELLOR OF THE EXCHEQUER said, it was quite true, as his hon. Friend said, that in the measure recently submitted to the House, some persons were taxed more highly than they had been. He never said that they would not. On the contrary, he stated that in proposing to relieve the smaller proprietors, the larger proprietors would be more highly taxed; but that, upon the whole, 300,000*l.* would be remitted. What he now proposed was what he stated on Friday night, namely, he proposed to take an uniform duty of one per cent on conveyances, and of one-eighth per cent upon mortgages. The only alteration that he had made was, that instead of leaving the schedule for Ireland out of the Bill, he should leave it in, in order that he might exercise his judgment upon it.

MR. DISRAELI said, that it was usual for the resolution to be printed, and as he understood some alteration had been made, that was an additional reason why it should be placed in the hands of hon. Members before they were called upon to agree to it.

The CHANCELLOR OF THE EXCHEQUER said, the only objection he had was that it was so much time lost. The House might reduce any thing; they probably would not increase it beyond what he proposed.

SIR H. WILLOUGHBY said, there was no doubt that as the Bill was originally drawn, instead of effecting a reduction of 300,000*l.*, it would have increased the taxation; and if they had passed the Bill as it originally stood, they would have been grossly deceived. He wished a calculation could be made wherein the loss of 300,000*l.* by the new scheme could be shown. He wished to have some data to go upon; he wished to know where the gain would be, and where the loss would be, and to what amount. For his own part, it was a matter of great doubt what the loss would be; and he was inclined to think there was some great error. He thought it fair to the House that some documents showing the loss and the gain should be laid before them. The Chancellor of the Exchequer could easily procure such a document from the Stamp Office.

MR. W. BROWN said, that until they had some data to go upon they were quite in the dark.

MR. HUME said, they ought not to go on till they had got the whole schedule. The object of the present Motion was to have the Bill printed, and the schedule would be printed.

MR. MULLINGS said, it was very desirable that the House should know what they were called upon to do. He wished to know from the right hon. Gentleman if the same subject-matter was in this as in the former Bill: first, agreements; second, bargains and sales for a year; third, bonds; fourth, covenants; then leases, then mortgages, then settlements, then warrants of attorney. He thought he had enumerated almost the whole; he wished to know if these were in the new Bill.

The CHANCELLOR OF THE EXCHEQUER replied, that in the schedule, agreements were included which were not included in the former Bill. With regard to bargains and sales, they were not in the schedule, being repealed by a clause in the Bill. All the other items enumerated by the hon. Gentleman were in the schedule.

Mr. GROGAN inquired whether it would be competent to move reductions on any other matters besides those which were mentioned in the resolution, because he had received a strong representation from the city he had the honour to represent as to the justice of reducing one particular stamp.

The CHANCELLOR of the EXCHEQUER: On what particular stamp?

Mr. GROGAN: On awards in arbitration.

Mr. GOULBURN said, it struck him the most convenient mode would be to adopt the resolutions; they would then appear in the Votes to-morrow, and if any hon. Gentleman saw any objection to them when the report was brought up, he could move that it be recommitted.

House resumed.

Resolutions to be reported To-morrow.

FACTORIES BILL.

Lord ASHLEY moved that the House should go into Committee *pro formâ* on this Bill, in order that the clause which he had proposed should be withdrawn, and the Amendment of the Government substituted. The Bill as amended would then be printed, and the Committee taken on another day.

Sir G. GREY said, that upon the House resolving into Committee, and on the noble Lord withdrawing his provisions, he (Sir G. Grey) should then move the clauses of which he had given notice, in the form in which they were printed, with a provision relating to mills worked by water power.

Colonel SIBTHORP said, he was ready to support the Bill of the noble Lord; but there seemed in this case to be something like a compromise between the noble Lord and the Government. Now, he hated all compromises, and he should not be a party to anything of the sort.

Mr. HODGSON rose to ask the right hon. Baronet whether under the Bill operatives would be enabled to work up lost time in factories worked by water, where the loss of time was occasioned either by deficiency or excess of water?

Sir G. GREY replied that the object of the hon. Member would be effected by the provision that he intended to introduce.

Lord J. MANNERS should like to know if, after the Bill should have received the Government Amendments, it would be considered and treated as a Government Bill, and be forwarded in its future stages on Government nights? There was a great deal of agitation and excitement in the country respecting it, which it was desirable should be terminated as soon as possible.

Sir G. GREY promised to name an early day for the next stage of the Bill. He thought it very desirable that the question should be settled soon.

The House then went into Committee *pro formâ*, and the Amendments were added to the Bill.

House resumed.

Bill reported; to be printed, as amended; recommitted for Thursday 23rd May.

WAYS AND MEANS.

The House then went into Committee of Ways and Means.

The CHANCELLOR of the EXCHEQUER said, that the vote he was about to ask for, large as it might appear, was really only a *pro formâ* one. It was for the usual 8,558,700*l.* Exchequer-bills.

Motion made—

> "That, towards making good the Supply granted to Her Majesty, the sum of 8,558,700*l.*, be raised by Exchequer Bills for the service of the year one thousand eight hundred and fifty."

Colonel SIBTHORP inquired what those millions were for? Was any part of the vote for the New Houses of Parliament, on which, as he had that evening been informed, 2,000,000*l.* had been spent already, and 1,500,000*l.* more was about to be expended? And what was the edifice after all? A piece of mere frippery and flummery, not fit to accommodate the Members of that House, and much more suitable in style for a harem than a place of meeting for a grave and important legislative body. Neither internally nor externally was it likely to contribute to the honour or the credit of the nation.

The CHANCELLOR of the EXCHEQUER said, he would not interfere with any purpose to which the hon. and gallant Member proposed to apply the New Houses of Parliament.

House resumed.

Resolution to be reported this day; Committee to sit again on Friday.

The House adjourned at One o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CX.

BEING THE THIRD VOLUME OF SESSION 1850.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm.* Select Committee.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus*, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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